



Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Thirty-second Meeting Day

Monday Afternoon

March 26, 2007

The Senate convened at 2:57 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator John E. Broden.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks
Boots	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker <input type="checkbox"/>
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman <input type="checkbox"/>
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 295: present 48; excused 2. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 71

Senate Concurrent Resolution 71, introduced by Senator Gard:

A CONCURRENT RESOLUTION honoring the Brandywine Elementary School Spell Bowl Team.

Whereas, On November 16, 2006, four divisions from 438 schools (5,372 students) across the state of Indiana participated in the Indiana Academic Teams for Excellence (IACE) Elementary

Spell Bowl competition sponsored by Purdue University;

Whereas, The Brandywine Elementary School Spell Bowl Team became the 2006 Class Four Spell Bowl State Champion, scoring 55 points out of a possible 56 points;

Whereas, The Brandywine Elementary School Spell Bowl Team's season started in May with the selection of the team;

Whereas, The students studied over the summer and began formal team practices once school convened in August;

Whereas, The Brandywine Elementary School Spell Bowl Team members represented their school with good hard work, sportsmanship, dignity, and honor; and

Whereas, Excellence and effort in academics deserves special recognition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Brandywine Elementary School Spell Bowl Team on its efforts and accomplishments and wishes the team continued success in future competitions.

SECTION 2. That the Secretary of the Senate transmit copies of this resolution to Superintendent James Halik, Principal Bruce Miller, Head Coach Kristie Satterfield, Assistant Coach JoDe Thomas, Proctor David Robinson, and team members Captain Justin Anderson, Captain Drew Gohmann, Captain Alex Hall, Captain Pete Rusche, Captain Savannah Sturm, Nicole Beaty, Morgan McKinney, Lauren Dickson, Regan Elsea, Sam Garrison, Jason Hooper, Alyson Moore, and Zach Nielsen.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Cherry.

House Concurrent Resolution 48

House Concurrent Resolution 48, sponsored by Senator Simpson:

A CONCURRENT RESOLUTION recognizing the centennial of "The Art Colony of the Midwest" in Brown County, Indiana.

Whereas, For a century now, the beauty of Brown County has inspired artists from around the country and the world;

Whereas, Theodore Clement (T.C.) Steele, Indiana's premier portraitist in the late 19th and early 20th centuries, came to live in

Brown County in 1907, purchasing 221 acres and establishing a home and art studio;

Whereas, His home, known as the "House of the Singing Winds", has been designated as a historic site for all Hoosiers and visitors to our state to enjoy;

Whereas, During his lifetime, many artists came to visit T.C. Steele at his home in Brown County and became enamored with the beauty of Brown County;

Whereas, Many of these artists relocated to Brown County, calling it the "Peaceful Valley" and creating what is now known as the Brown County Art Colony;

Whereas, The art colony has grown since the days when T.C. Steele was painting in his studio; today, Brown County's arts and crafts galleries are a showcase for a diverse collection of art and artists; and

Whereas, Throughout the years, the rolling hills and beautiful valleys of Brown County and the arts and crafts they inspire have given Hoosiers and visitors from other states the feeling of peace and happiness true beauty always brings: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly commemorates the centennial of the Brown County Art Colony and acknowledges the outstanding art and artists who bring such beauty into our lives.

SECTION 2. That the Indiana General Assembly hereby recognizes Brown County, Indiana, as "The Art Colony of the Midwest."

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Brown County Convention and Visitors Bureau, the Brown County Convention and Visitors Commission, the Brown County Arts and Cultural Commission, the Brown County Chamber of Commerce, the T.C. Steele State Historic Site, the Brown County Commissioners, the Brown County Council, and the Nashville Town Board.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 45

House Concurrent Resolution 45, sponsored by Senator Merritt:

A CONCURRENT RESOLUTION congratulating the Heritage Christian High School girls' basketball team on its Class 2A state basketball championship victory.

Whereas, Heritage Christian High School won the 2006-2007 girls' basketball state championship with the Lady Eagles' 62-44 victory over Jimtown High School in the Indiana High School

Athletic Association (IHSAA) Class 2A girls' basketball championship;

Whereas, The Eagles, who were led by center Courtney Turner's 18 points, Kelly Faris's 16 points, 10 rebounds, and 7 assists, and Bre Jones's 12 points, capped off their 26-3 season with their second consecutive state title, only the second Class 2A school to repeat as state champions, in front of a crowd of 7,602;

Whereas, During the season, the Eagles played 17 teams from larger classes and amassed 15 victories, including a ten point victory over Class 3A state champions Indianapolis Brebeuf;

Whereas, In the state championship game, Heritage Christian jumped out to a 12-0 lead over Jimtown and expanded their advantage to 25-8 midway through the second period, which included three 3-pointers by Claire Freeman;

Whereas, With 7 1/2 minutes left in the game, the lead had grown to 47-24;

Whereas, Heritage Christian used quick bursts in the 1st and 3rd quarters and a balanced scoring attack to overwhelm the Jimtown defense;

Whereas, Heritage Christian set Class 2A state finals records with 17 team assists and an 18 point margin of victory;

Whereas, Bre Jones, Kelly Faris, and Courtney Turner were named to the Associated Press State Finals All Tournament Team, and Courtney Turner was selected as the Most Valuable Player;

Whereas, Heritage Christian lost only three games, including overtime losses to State 4A Champion South Bend Washington, nationally-ranked Lexington Catholic, and State 4A power Carmel High School;

Whereas, Heritage Christian was rated number one in pre-season polls and maintained its number one ranking in Class 2A throughout the year, culminating in a state championship;

Whereas, Senior Co-captains Courtney Turner and Bre Jones have played in the state finals three of the last four years and helped to continue the history and tradition of Heritage Christian High School girls' basketball;

Whereas, Kelly Faris was named Player of the Year for the City of Indianapolis;

Whereas, Head Coach Rick Risinger was named Coach of the Year for the City of Indianapolis for the second consecutive year;

Whereas, Under second year Head Coach Rick Risinger, the Eagles are 51-6 with two state championships; and

Whereas, Former coach Doc Richards, who passed away in 2005, left the Heritage Christian team with the words of wisdom to

always "glorify God, play hard, and have fun"; the Lady Eagles have continued to play true to the advice of their beloved coach: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Heritage Christian Lady Eagles on winning its second consecutive Class 2A girls' basketball state championship and wishes the team members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Kaycee Jones, Claire Freeman, Alyssa Burton, Courtney Turner, Vic Casey, Emily Anderson, Kelly Faris, Bre Jones, Meredith Martin, Sacha Stikeleather, Alicia Byrd, and Melissa Metzelfield, head coach Rick Risinger, assistant coaches Ron Young, Courtney Risinger, Teri Burton, Alicia Michaelson, and Eric Turner, student manager Leah Richards, score keeper Mike Burton, athletic director Jeff Hester, assistant athletic director, Nate Bates, athletic assistant, Susie Siner, principal Al Leinbach, announcer Larry Myers, and photographers Chuck Owens and Cyndi Richards.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 46

House Concurrent Resolution 46, sponsored by Senators Lawson and Lubbers:

A CONCURRENT RESOLUTION honoring Christopher G. Cavanaugh.

Whereas, The American Civic Education Teacher Award honors elementary and secondary civic education teachers "who have demonstrated special expertise in teaching about the U.S. Constitution, Congress, and public policy at the state and local levels";

Whereas, Christopher G. Cavanaugh was one of three teachers awarded the inaugural American Civic Education Teacher Award;

Whereas, Christopher G. Cavanaugh, who has been teaching social studies at Plainfield High School for 17 years, was recognized for his exemplary work in preparing young people to become informed and engaged citizens;

Whereas, The American Civic Education Teacher Award recipients are selected from letters of recommendation and the applicant's own statement that help the selection committee determine the teacher's command of the subject matter taught and the ability to communicate this knowledge to contribute to the students' civic knowledge, intellectual and participatory skills, and civic dispositions;

Whereas, In addition to the American Civic Education Teacher Award, Christopher G. Cavanaugh has received numerous awards and accolades, including the Corporation ROSE (Recognizing Outstanding School Employees) Award, the Plainfield Optimist Partners in Education Award for Outstanding Teaching, and the James Madison Senior Fellowship;

Whereas, Christopher G. Cavanaugh has a masters of arts in history with a focus on constitutional history from Butler University, a degree that is given to only one person per state each year;

Whereas, Christopher G. Cavanaugh has guided his classes through several "We the People" competitions, earning fifth place finishes the last three years, and hosted U.S. Congressional debates for the district in 2002 and 2004; and

Whereas, Christopher G. Cavanaugh is a shining example of an outstanding teacher whose dedication and tireless devotion to his students will help mold the children of our state into active and aware citizens: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Christopher G. Cavanaugh on his selection as a recipient of the inaugural American Civic Education Teacher Award and expresses gratitude for his dedication to the students of Plainfield High School.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Christopher G. Cavanaugh and Scott Olinger, principal of Plainfield High School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 72

Senate Concurrent Resolution 72, introduced by Senator Hershman:

A CONCURRENT RESOLUTION memorializing former Senator Jack Guy.

Whereas, Senator John M. "Jack" Guy was born in Detroit, Michigan in 1929 and graduated from Monticello High School in 1947, Butler University in 1958, and the Indiana University School of Law;

Whereas, Senator John M. "Jack" Guy served his country as a member of the United States Air Force and his community as the White County Prosecutor from 1963 to 1966;

Whereas, Senator John M. "Jack" Guy earned the trust and respect of everyone he met. He was elected to the Indiana House of

Representatives from 1971 to 1974 and then the Senate of the General Assembly of the State of Indiana from 1977 to 1984, ascending to the role of Majority Floor Leader in both houses;

Whereas, In his role as a community leader, Senator Guy was instrumental in helping to rebuild the town of Monticello, Indiana in the wake of the tornadoes that wiped out the city in 1974;

Whereas, In addition to his role as a legislator and public servant, Senator Guy served as a deacon, elder and chairman of the Monticello Christian Church Board, was a past Chairman of the Board for the former State and Savings Bank, and was a partner in the law firm of Guy Christopher & Loy; and

Whereas, In an era when successful professionals tended to leave Indiana's small towns for opportunities in larger cities, Senator John M. "Jack" Guy remained in and served the citizens of Monticello, Indiana with dignity and poise: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes Senator John M "Jack" Guy's dedicated service to the State of Indiana. We salute his life and honor his memory.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Senator Guy's wife, Judy Reynolds; his children, Janice and Bob Guy; his step daughters, Andrea Ulery and Angela Shilndell; and his brother, Robert Guy.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Lehe, Gutwein, and McClain.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Becker, Boots, Bray, Breaux, Broden, Deig, Delph, Dillon, Drozda, Errington, Ford, Gard, Heinold, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Walker, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 72.

HERSHMAN

Motion prevailed.

House Concurrent Resolution 47

House Concurrent Resolution 47, sponsored by Senators Lawson and Boots:

A CONCURRENT RESOLUTION honoring Larry Rambis.

Whereas, Larry Rambis has served the North West Hendricks School Corporation for more than 23 years; at the end of the 2006-2007 school year he will be stepping down as Superintendent;

Whereas, Larry Rambis was born on September 16, 1942, in Shelburn, Indiana, the middle child of Frank and Elizabeth Rambis;

Whereas, An outstanding high school athlete, Larry Rambis received a full four year football scholarship to Tulane University in New Orleans, graduating in 1965 with a bachelor of arts degree in history and a master's of education degree in 1969;

Whereas, Larry Rambis began his teaching career in 1965 at Metairie Park Country Day School where he also coached football, basketball, and track;

Whereas, After being away from his home state for several years, Larry Rambis returned to Indiana and earned an education specialist degree from Indiana State University;

Whereas, In 1984, after teaching in two other school corporations, Larry Rambis accepted the position of superintendent of the North West Hendricks School Corporation;

Whereas, Larry Rambis is justifiably proud of the accomplishments of the North Salem, Pittsboro, and Tri-West schools, including Academic Decathlon championship teams for ten years, Four Star School awards, high ISTEP scores, and state championship and runner-up teams in football; and

Whereas, It is fitting that we recognize the contributions of Larry Rambis to Indiana public education: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks Larry Rambis for his years of dedicated service to the students of North West Hendricks School Corporation and wishes him success in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Larry Rambis and his family and the North West Hendricks School Corporation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 15

Senate Concurrent Resolution 15, introduced by Senator Lubbers:

A CONCURRENT RESOLUTION honoring the Indianapolis Symphonic Choir.

Whereas, The Indianapolis Symphonic Choir was founded in 1937 and the 2006-2007 season marks its 70th anniversary of song;

Whereas, Artistic Director Dr. Eric Stark currently leads more than 150 volunteer singers from throughout the state. These members participate in innovative programming, community outreach and education;

Whereas, The Indianapolis Symphonic Choir presents and performs in eight to ten different concert productions for over 10,000 audience members each season;

Whereas, Annual features include the gospel program Celebration, the Sacred Arts interactive performance experience, the Festival of Carols, Messiah and the Sacred Masterworks series of major works for chorus and orchestra; and

Whereas, The Indianapolis Symphonic Choir represents the City of Indianapolis and the State of Indiana in performances heard across the nation. The choir's mission and tradition of excellence deserve recognition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly honors the Indianapolis Symphonic Choir on its 170th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Artistic Director Dr. Eric Stark and the Secretary of the Board of Directors, Mary Gosling.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Orentlicher.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that on March 4, 2007 a vacancy was created in Senate District 8 due to the death of Senator Anita Bowser.

Pursuant to the provisions of IC 5-8-6 and IC 3-13-5, the attached documents are submitted for inclusion in the Journal of the Senate.

1. President Pro Tempore's Notification to Secretary of State Todd Rokita of Senator Bowser's death.
2. Indiana Democratic Party State Chairman's Certification of Selection of James R. Arnold to fill the vacancy in the office of the Indiana Senate, District 8.
3. President Pro Tempore's Notice to the Indiana Secretary of State acknowledging receipt of the Indiana Democratic Party State Chairman's Certification of Selection of James R. Arnold.
4. Indiana Secretary of State's Certificate of Selection to State Legislative Office certifying the selection of James R. Arnold to fill the vacancy in the office of the Indiana Senate, District 8.
5. President Pro Tempore's acknowledgment of receipt of the Certificate of Selection from the Indiana Secretary of State.

6. Report of the President Pro Tempore on administration of the oath of office by Justice Brent E. Dickson on March 26, 2007.

LONG

Report adopted.

March 7, 2007

The Honorable Todd Rokita
Indiana Secretary of State
200 West Washington Street, Room 201
Indianapolis, Indiana 46204

Dear Secretary Rokita,

I regret to inform you that I have been notified of the death of my colleague, the Honorable Anita Bowser on March 4, 2007, and therefore, under IC 5-8-6, certify, under the penalties for perjury, that to the best of my knowledge and belief, the information stated is true.

If you should have any questions regarding this matter, please contact me directly at 232-9416.

Best regards,

David C. Long
President Pro Tempore
DCL/tm

CERTIFICATE OF APPOINTMENT TO FILL A VACANCY IN A STATE SENATE OFFICE BY A PRECINCT COMMITTEEMAN CAUCUS (IC 3-13-5-6)

TO THE PRESIDENT PRO TEMPORE OF THE INDIANA
STATE SENATE

This is to certify the following:

- (1) A vacancy occurred in the office of State Senate, District 8.
- (2) The vacancy occurred due to the death of Anita Bowser.
- (3) The incumbent was elected or appointed as a candidate of the Democratic Party.
- (4) I am the state chairman, or person designated by the state chairman to conduct the caucus of the Democratic Party.
- (5) A caucus of eligible precinct committeemen was held on March 25, 2007, to fill the vacancy in this office. The caucus was held following the giving of notice required under Indiana Code 3-13-5-2.
- (6) The members of the caucus selected, by majority vote of those casting a vote for a candidate, the person named below to hold an appointment to this office for the remaining unexpired term.
- (7) The person holding the appointment to this office is a registered voter of a precinct within the election district for the office, complies with the other requirements imposed under Indiana law for this office, and consents to this appointment by the declaration of candidacy, which was timely filed in accordance with Indiana Code 3-13-5-3, and is incorporated by reference in this certificate.
- (8) This appointment is effective March 25, 2007.
- (9) Name of Person Appointed to Office: James R. (Jim) Arnold,

March 26, 2007

Senate 639

5698 West Johnson Road, LaPorte, Indiana 46350.

I, the State Chairman, or person designated by state chairman to conduct this caucus, of the Democratic Party, certify that the information in this Certificate is true and complete.

Owen "Butch" Morgan
County Chairman
March 25, 2007

State of Indiana County of Porter
Subscribed and sworn to before me this 25th day of March, 2007.

Clay M. Patton
Notary Public
My Commission expires September 7, 2012, County of Residence:
Porter

**ACKNOWLEDGMENT OF RECEIPT
BY THE PRESIDENT PRO TEMPORE OF THE SENATE**

I hereby acknowledge receipt of the Certification on my signature
below this 26th day of March, 2007.

David C. Long
President Pro Tempore of the Senate

**CERTIFICATE OF SELECTION
TO STATE LEGISLATIVE OFFICE**

**TO THE HONORABLE DAVID C. LONG
PRESIDENT PRO TEMPORE OF THE INDIANA
SENATE**

WHEREAS, A vacancy occurred in the office of Indiana State Senator, District 8, on March 4, 2007, due to the death of the Honorable Anita Bowser, who was elected to office as a candidate of the Indiana Democratic Party;

WHEREAS, On March 25, 2007, a caucus composed of Democratic Party precinct committeemen from Indiana Senate District 8 selected James R. (Jim) Arnold to fill the vacancy in Senate District 8;

WHEREAS, On March 26, 2007, the State Chairman of the Indiana Democratic Party certified the selection of James R. (Jim) Arnold to fill the vacancy in Senate District 8 to the President Pro Tempore of the Indiana State Senate and the President Pro Tempore acknowledged receipt of the certification thereon;

WHEREAS, On March 26, 2007, the President Pro Tempore of the Indiana Senate forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office;

NOW, THEREFORE, AS THE DULY ELECTED AND ACTING SECRETARY OF THE STATE OF INDIANA, I certify that the Honorable James R. (Jim) Arnold has been selected to fill the vacancy existing in the office of Indiana State Senator, District 8.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this 26th day of March, 2007, being the 231st year of the Independence of the United States, and the 191st year of the Statehood of Indiana.

Todd Rokita
Secretary of the State of Indiana

March 26, 2007
The Honorable Todd Rokita
Indiana Secretary of State
201 State House
Indianapolis, Indiana 46204

Dear Todd:

This is to acknowledge receipt of your Certificate of Selection to the State Legislative Office of Senator Anita Bowser to fill the vacancy created by the death of Senator Anita Bowser. Senator James R. Arnold was duly elected on March 25, 2007, in a caucus of precinct committee persons to represent State Senate District 8.

Best regards,
David C. Long
President Pro Tempore
DCL/tm

**REPORT OF THE PRESIDENT
PRO TEMPORE**

Madam President: I hereby report that on March 26, 2007, Senator James R. Arnold was sworn-in to office to represent District 8. Justice Brent E. Dickson administered the oath of office in the Senate Chamber.

LONG

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 128 and 445 with amendments and the same are herewith returned to the Senate.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 45

and 46 and the same are herewith transmitted for further action.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 68 and the same is herewith returned to the Senate.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 47 and 48 and the same are herewith transmitted for further action.

CLINTON MCKAY
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Resolution 16

Senate Resolution 16, introduced by Senator Landske:

A SENATE RESOLUTION urging the Legislative Council to direct the Census Data Advisory Committee or other appropriate committee to begin preparations for the 2010 Census.

Whereas, The 2010 Census is now three years away; and

Whereas, There are numerous details involved in completing the decennial census: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to direct the Census Data Advisory Committee or other appropriate committee to begin preparations for the 2010 Census. These preparations shall include studying the software programs available for the decennial census and any other necessary preparations.

The resolution was read in full and adopted by voice vote.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1018

Senator Jackman called up Engrossed House Bill 1018 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1129

Senator Gard called up Engrossed House Bill 1129 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1192

Senator Gard called up Engrossed House Bill 1192 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1192-1)

Madam President: I move that Engrossed House Bill 1192 be amended to read as follows:

Page 4, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 4. IC 13-30-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to actions brought by the state or a ~~private~~ person. However, this chapter does not apply to an action brought by the state if the action arises from a site that:

- (1) is listed on the National Priorities List for hazardous substance response sites (40 CFR 300 et seq.);
- (2) scores at least twenty-five (25) under the Indiana scoring model under 329 IAC 7; or
- (3) is deemed by the commissioner to pose an imminent threat to human health or the environment.

SECTION 5. IC 13-30-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A person may, ~~bring an environmental legal action against a~~ **bring an environmental legal action against a** ~~regardless of whether the person who~~ caused or contributed to the release of a hazardous substance or petroleum into the surface or subsurface soil or groundwater that poses a risk to human health and the environment, **bring an environmental legal action against a person that caused or contributed to the release** to recover reasonable costs of a removal or remedial action involving the hazardous substances or petroleum.

SECTION 6. IC 13-30-9-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. IC 34-11-2-11.5 applies to an environmental legal action brought under section 2 of this chapter.**

SECTION 7. IC 34-11-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **Except as provided in section 11.5 of this chapter,** the following actions must be commenced within six (6) years after the cause of action accrues:

- (1) Actions on accounts and contracts not in writing.
- (2) Actions for use, rents, and profits of real property.
- (3) Actions for injuries to property other than personal property, damages for detention of personal property and for recovering possession of personal property.
- (4) Actions for relief against frauds.

SECTION 8. IC 34-11-2-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) Subject to subsection (c), a person that discovered before February 28, 1998, the presence of a hazardous substance or petroleum in soil or groundwater that is the basis for an action under IC 13-30-9-2 must bring the action before February 28, 2008.**

(b) If subsection (a) does not apply, subject to subsection (c), a person must bring an action under IC 13-30-9-2 within ten (10) years after the date the person discovers the presence of a hazardous substance or petroleum in soil or groundwater that

is the basis for the action.

(c) This section does not permit a person to revive an action brought under IC 13-30-9-2 that was finally adjudicated against the person.

SECTION 9. [EFFECTIVE UPON PASSAGE] **(a) IC 34-11-2-11.5, as added by this act:**

(1) applies prospectively from the effective date of this act; and

(2) subject to IC 34-11-2-11.5(c), as added by this act, and notwithstanding IC 34-11-2-7, as in effect before the effective date of this act, allows a person to maintain an environmental legal action brought before the effective date of this act.

(b) IC 13-30-9-2, as amended by this act, applies:

(1) prospectively from the effective date of this act; and

(2) to an action that may be maintained under subsection (a)(2)."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1192 as printed March 13, 2007.)

GARD

Motion prevailed.

SENATE MOTION
(Amendment 1192-2)

Madam President: I move that Engrossed House Bill 1192 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 77. (a) "Facility", for purposes of IC 13-15-1-3, means a structure or an area of land used for the disposal, treatment, storage, recovery, processing, or transferring of solid waste, hazardous waste, or atomic radiation. The term includes the following:

- (1) A hazardous waste facility.
- (2) An incinerator.
- (3) A solid waste landfill.
- (4) A transfer station.

(b) "Facility", for purposes of IC 13-17-7, means a single structure, piece of equipment, installation, or operation that:

- (1) emits; or
- (2) has the potential to emit;

a regulated air pollutant.

(c) "Facility", for purposes of IC 13-18-5, means a building, a structure, equipment, or other stationary item that is located on:

- (1) a single site; or
- (2) contiguous or adjacent sites that are owned by, operated by, or under common control of the same person.

(d) "Facility", for purposes of IC 13-21, means a facility, a plant, a works, a system, a building, a structure, an improvement, machinery, equipment, a fixture, or other real or personal property of any nature that is to be used, occupied, or employed for the collection, storage, separation, processing, recovery, treatment, marketing, transfer, or disposal of solid waste.

(e) "Facility", for purposes of IC 13-25-2, means all buildings, equipment, structures, and other stationary items that are:

(1) located on a single site or on contiguous or adjacent sites; and

(2) owned or operated by:

(A) the same person; or

(B) any person that controls, is controlled by, or is under common control with the same person.

For purposes of IC 13-25-2-6, the term includes motor vehicles, rolling stock, and aircraft.

(f) "Facility", for purposes of IC 13-25-4, has the meaning set forth in 42 U.S.C. 9601(9).

~~(f)~~ **(g) "Facility", for purposes of IC 13-29-1, means a parcel of land or site, together with the structures, equipment, and improvements on or appurtenant to the land or site, which is used or is being developed for the treatment, storage, or disposal of low-level radioactive waste.**

SECTION 2. IC 13-11-2-142.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 142.3. "Nonprofit corporation", for purposes of this chapter and IC 13-25-4-8, refers to a nonprofit corporation:

(1) that is exempt from income taxation under 26 U.S.C. 501;

(2) for which the primary purpose, as identified in the corporation's articles of incorporation, is to assist and support a political subdivision in a matter of public concern; and

(3) that has no member affiliated with any other person that is potentially liable for response costs at a facility through any of the following:

(A) A direct or an indirect familial relationship.

(B) A contractual, corporate, or financial relationship other than a contractual, corporate, or financial relationship that is created:

(i) by the instruments by which title to the facility is conveyed or financed; or

(ii) by a contract for the sale of goods or services.

(C) The result of a reorganization of a business entity that was potentially liable for response costs at the facility.

SECTION 3. IC 13-11-2-148 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 148. (a) "Operator", for purposes of IC 13-18-10, means the person in direct or responsible charge or control of one (1) or more confined feeding operations.

(b) "Operator", for purposes of IC 13-18-11 and environmental management laws, means the person in direct or responsible charge and supervising the operation of:

- (1) a water treatment plant;
- (2) a wastewater treatment plant; or
- (3) a water distribution system.

(c) "Operator", for purposes of IC 13-20-6, means a corporation, a limited liability company, a partnership, a business association, a unit, or an individual who is a sole proprietor that is one (1) of the following:

- (1) A broker.
- (2) A person who manages the activities of a transfer station that receives municipal waste.

(3) A transporter.

(d) "Operator", for purposes of IC 13-23, except as provided in subsection (e), means a person:

- (1) in control of; or
- (2) having responsibility for;

the daily operation of an underground storage tank.

(e) "Operator", for purposes of IC 13-23-13, does not include the following:

- (1) A person who:
 - (A) does not participate in the management of an underground storage tank;
 - (B) is otherwise not engaged in the:
 - (i) production;
 - (ii) refining; and
 - (iii) marketing;

of regulated substances; and

(C) holds evidence of ownership, primarily to protect the owner's security interest in the tank.

- (2) A person who:
 - (A) does not own or lease, directly or indirectly, the facility or business at which the underground storage tank is located;
 - (B) does not participate in the management of the facility or business described in clause (A); and
 - (C) is engaged only in:
 - (i) filling;
 - (ii) gauging; or
 - (iii) filling and gauging;

the product level in the course of delivering fuel to an underground storage tank.

(3) A political subdivision (as defined in IC 36-1-2-13) or unit of federal or state government that:

(A) acquires ownership or control of an underground storage tank on a brownfield because of:

- (i) bankruptcy;
- (ii) foreclosure;
- (iii) tax delinquency, including an acquisition under IC 6-1.1-24 or IC 6-1.1-25;
- (iv) abandonment;
- (v) the exercise of eminent domain, including any purchase of property once an offer to purchase has been tendered under IC 32-24-1-5;
- (vi) receivership;
- (vii) transfer from another political subdivision or unit of federal or state government;
- (viii) acquiring an area needing redevelopment (as defined in IC 36-7-1-3) or conducting redevelopment activities, specifically under IC 36-7-14-22.2, IC 36-7-14-22.5, IC 36-7-15.1-15.1, IC 36-7-15.1-15.2, and IC 36-7-15.1-15.5;
- (ix) other circumstances in which the political subdivision or unit of federal or state government involuntarily acquired an interest in the property because of the political subdivision's or unit's function as sovereign; or
- (x) any other means to conduct remedial actions on a brownfield; and

(B) is engaged only in activities in conjunction with:

(i) investigation or remediation of hazardous substances, petroleum, and other pollutants associated with a brownfield, including complying with land use restrictions and institutional controls; or

(ii) monitoring or closure of an underground storage tank;

unless existing contamination on the brownfield is exacerbated due to gross negligence or intentional misconduct by the political subdivision or unit of federal or state government.

(f) For purposes of subsection (e)(3)(B), reckless, willful, or wanton misconduct constitutes gross negligence.

SECTION 4. IC 13-11-2-150, AS AMENDED BY P.L.208-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 150. (a) "Owner", for purposes of IC 13-23 (except as provided in subsections (b), ~~and~~ (c), **and (d)**) means:

(1) for an underground storage tank that:

(A) was:

- (i) in use on November 8, 1984; or
- (ii) brought into use after November 8, 1984;

for the storage, use, or dispensing of regulated substances, a person who owns the underground storage tank; or

(B) is:

- (i) in use before November 8, 1984; but
- (ii) no longer in use on November 8, 1984;

a person who owned the tank immediately before the discontinuation of the tank's use; or

(2) a person who conveyed ownership or control of the underground storage tank to a political subdivision (as defined in IC 36-1-2-13) or unit of federal or state government because of:

- (A) bankruptcy;
- (B) foreclosure;
- (C) tax delinquency, including a conveyance under IC 6-1.1-24 or IC 6-1.1-25;
- (D) abandonment;
- (E) the exercise of eminent domain, including any purchase of property once an offer to purchase has been tendered under IC 32-24-1-5;
- (F) receivership;
- (G) acquiring an area needing redevelopment (as defined in IC 36-7-1-3) or conducting redevelopment activities, specifically under IC 36-7-14-22.2, IC 36-7-14-22.5, IC 36-7-15.1-15.1, IC 36-7-15.1-15.2, and IC 36-7-15.1-15.5;**

~~(H)~~ **(H)** other circumstances in which a political subdivision or unit of federal or state government involuntarily acquired ownership or control because of the political subdivision's or unit's function as sovereign; or

~~(I)~~ **(I)** any other means to conduct remedial actions on a brownfield;

if the person was a person described in subdivision (1) immediately before the person conveyed ownership or control of the underground storage tank.

(b) "Owner", for purposes of IC 13-23-13, does not include a person who:

(1) does not participate in the management of an underground storage tank;

(2) is otherwise not engaged in the:

- (A) production;
- (B) refining; and
- (C) marketing;

of regulated substances; and

(3) holds indicia of ownership primarily to protect the owner's security interest in the tank.

(c) "Owner", for purposes of IC 13-23, does not include a political subdivision (as defined in IC 36-1-2-13) or unit of federal or state government that acquired ownership or control of an underground storage tank because of:

- (1) bankruptcy;
- (2) foreclosure;
- (3) tax delinquency, including an acquisition under IC 6-1.1-24 or IC 6-1.1-25;
- (4) abandonment;
- (5) the exercise of eminent domain, including any purchase of property once an offer to purchase has been tendered under IC 32-24-1-5;
- (6) receivership;
- ~~(7) other circumstances in which the political subdivision or unit of federal or state government involuntarily acquired ownership or control because of the political subdivision's or unit's function as sovereign;~~
- ~~(8) (7) transfer from another political subdivision or unit of federal or state government; or~~
- (8) acquiring an area needing redevelopment (as defined in IC 36-7-1-3) or conducting redevelopment activities, specifically under IC 36-7-14-22.2, IC 36-7-14-22.5, IC 36-7-15.1-15.1, IC 36-7-15.1-15.2, and IC 36-7-15.1-15.5;**
- (9) other circumstances in which the political subdivision or unit of federal or state government involuntarily acquired ownership or control because of the political subdivision's or unit's function as sovereign; or**
- ~~(9) (10) any other means to conduct remedial actions on a brownfield;~~

unless the political subdivision or unit of federal or state government causes or contributes to the release or threatened release of a **regulated** substance, in which case the political subdivision or unit of federal or state government is subject to IC 13-23 in the same manner and to the same extent as a nongovernmental entity under IC 13-23.

(d) "Owner", for purposes of IC 13-23, does not include a nonprofit corporation that acquired ownership or control of an underground storage tank to assist and support a political subdivision's revitalization and reuse of a brownfield for non-commercial purposes, including conservation, preservation, and recreation, unless the nonprofit corporation causes or contributes to the release or threatened release of a regulated substance, in which case the nonprofit corporation is subject to IC 13-23 in the same manner and to the same extent as any other nongovernmental entity under IC 13-23.

SECTION 5. IC 13-11-2-151, AS AMENDED BY P.L.208-2005, SECTION 11, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 151. (a) "Owner or operator", for purposes of IC 13-24-1, means the following:

- (1) For a petroleum facility, a person who owns or operates the facility.
- (2) For a petroleum facility where title or control has been conveyed because of:
 - (A) bankruptcy;
 - (B) foreclosure;
 - (C) tax delinquency, including a conveyance under IC 6-1.1-24 or IC 6-1.1-25;
 - (D) abandonment;
 - (E) the exercise of eminent domain, including any purchase of property once an offer to purchase has been tendered under IC 32-24-1-5;
 - (F) receivership;
 - (G) acquiring an area needing redevelopment (as defined in IC 36-7-1-3) or conducting redevelopment activities, specifically under IC 36-7-14-22.2, IC 36-7-14-22.5, IC 36-7-15.1-15.1, IC 36-7-15.1-15.2, and IC 36-7-15.1-15.5;**
 - ~~(H) (H) other circumstances in which a political subdivision (as defined in IC 36-1-2-13) or unit of federal or state government involuntarily acquired title or control because of the political subdivision's or unit's function as sovereign; or~~
 - ~~(H) (I) any other means to conduct remedial actions on a brownfield;~~

to a political subdivision or unit of federal or state government, a person who owned, operated, or otherwise controlled the petroleum facility immediately before title or control was conveyed.

(b) Subject to subsection (c), the term does not include a political subdivision or unit of federal or state government that acquired ownership or control of the facility through:

- (1) bankruptcy;
- (2) foreclosure;
- (3) tax delinquency, including an acquisition under IC 6-1.1-24 or IC 6-1.1-25;
- (4) abandonment;
- (5) the exercise of eminent domain, including any purchase of property once an offer to purchase has been tendered under IC 32-24-1-5;
- (6) receivership;
- ~~(7) other circumstances in which the political subdivision or unit of federal or state government involuntarily acquired title because of the political subdivision's or unit's function as sovereign;~~
- ~~(8) (7) transfer from another political subdivision or unit of federal or state government; or~~
- (8) acquiring an area needing redevelopment (as defined in IC 36-7-1-3) or conducting redevelopment activities, specifically under IC 36-7-14-22.2, IC 36-7-14-22.5, IC 36-7-15.1-15.1, IC 36-7-15.1-15.2, and IC 36-7-15.1-15.5;**
- (9) other circumstances in which the political subdivision or unit of federal or state government involuntarily acquired ownership or control because of the political subdivision's or unit's function as sovereign; or**

~~(9)~~ (10) any other means to conduct remedial actions on a brownfield.

(c) The term includes a political subdivision or unit of federal or state government that causes or contributes to the release or threatened release of a **regulated** substance, in which case the political subdivision or unit of federal or state government is subject to IC 13-24-1:

(1) in the same manner; and

(2) to the same extent;

as a nongovernmental entity under IC 13-24-1.

(d) The term does not include a person who:

(1) does not participate in the management of a petroleum facility;

(2) is otherwise not engaged in the:

(A) production;

(B) refining; and

(C) marketing;

of petroleum; and

(3) holds evidence of ownership in a petroleum facility, primarily to protect the owner's security interest in the petroleum facility.

(e) The term does not include a nonprofit corporation that acquired ownership or control of a facility to assist and support a political subdivision's revitalization and reuse of a brownfield for non-commercial purposes, including conservation, preservation, and recreation, unless the nonprofit corporation causes or contributes to the release or threatened release of a regulated substance, in which case the nonprofit corporation is subject to IC 13-24-1 in the same manner and to the same extent as any other nongovernmental entity under IC 13-24-1.

SECTION 6. IC 13-11-2-183 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 183. "Regulated substance", for purposes of **this chapter** and IC 13-23, includes the following:

(1) Any substance defined in section 98 of this chapter as a hazardous substance, but excluding any substance regulated as a hazardous waste under:

(A) Subtitle C of the federal Solid Waste Disposal Act, as amended (42 U.S.C. 6921 through 6939(a)); or

(B) IC 13-22-2-3.

(2) Petroleum.

(3) Any other substance designated by rules adopted by the solid waste management board under IC 13-23-1-2.

SECTION 7. IC 13-19-5-1, AS AMENDED BY P.L.235-2005, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The environmental remediation revolving loan program is established to assist in the remediation of brownfields to encourage the rehabilitation, redevelopment, and reuse of real property ~~by political subdivisions~~ by providing grants, loans, forgivable loans, or other financial assistance to political subdivisions to conduct any of the following activities:

(1) Identification and acquisition of brownfields within a political subdivision as suitable candidates for redevelopment following the completion of remediation activities.

(2) Environmental assessment of identified brownfields, **including assessment of petroleum contamination**, and other activities necessary or convenient to complete the

environmental assessments.

(3) Remediation activities conducted on brownfields, including:

(A) remediation of petroleum contamination; and

(B) other activities necessary or convenient to complete remediation activities conducted on brownfields, including clearance of real property.

~~(4) The clearance of real property under IC 36-7-14-12.2 or IC 36-7-15.1-7 in connection with remediation activities.~~

~~(5) (4) Other activities in conjunction with assessment and remediation activities necessary or convenient to complete remediation activities on brownfields: prepare a brownfield for redevelopment.~~

SECTION 8. IC 13-19-5-2, AS AMENDED BY P.L.235-2005, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The environmental remediation revolving loan fund is established for the purpose of providing money for loans and other financial assistance, including grants, to or for the benefit of political subdivisions under this chapter. The authority shall administer, hold, and manage the fund.

(b) Expenses of administering the fund shall be paid from money in the fund.

(c) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Grants and gifts intended for deposit in the fund.

(3) Repayments of loans and other financial assistance, including premiums, interest, and penalties.

(4) Proceeds from the sale of loans and other financial assistance under section 9 of this chapter.

(5) Interest, premiums, gains, or other earnings on the fund.

(6) Money transferred from the hazardous substances response trust fund under IC 13-25-4-1(a)(9).

(7) Fees collected under section 7 of this chapter.

(d) The authority shall invest the money in the fund not currently needed to meet the obligations of the fund in accordance with an investment policy adopted by the authority. Interest, premiums, gains, or other earnings from these investments shall be credited to the fund.

(e) As an alternative to subsection (d), the authority may invest or cause to be invested all or a part of the fund in a fiduciary account with a trustee that is a financial institution. Notwithstanding any other law, any investment may be made by the trustee in accordance with at least one (1) trust agreement or indenture. A trust agreement or indenture may allow disbursements by the trustee to:

(1) the authority;

(2) a political subdivision;

(3) the Indiana bond bank; or

(4) any person to which the authority, the Indiana bond bank, or a political subdivision is obligated, including a trustee that is a financial institution for a grantor trust;

as provided in the trust agreement or indenture. The budget agency must approve any trust agreement or indenture before its execution.

SECTION 9. IC 13-19-5-3, AS AMENDED BY P.L.235-2005, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** The authority shall do the following under this chapter:

(1) Be responsible for the management of all aspects of the program.

(2) Prepare and provide program information.

(3) Negotiate the negotiable aspects of each financial assistance agreement and submit the agreement to the budget agency for approval.

(4) Sign each financial assistance agreement.

(5) Review each proposed project and financial assistance agreement to determine if the project meets the credit, economic, or fiscal criteria established by guidelines of the authority.

(6) Periodically inspect or cause to be inspected projects to determine compliance with this chapter.

(7) Conduct or cause to be conducted an evaluation concerning the financial ability of a political subdivision to:

(A) pay a loan or other financial assistance and other obligations evidencing loans or other financial assistance, if required to be paid; and

(B) otherwise comply with terms of the financial assistance agreement.

(8) Evaluate or cause to be evaluated the technical aspects of the political subdivision's:

(A) environmental assessment of potential brownfield properties;

(B) proposed remediation; and

(C) remediation activities conducted on brownfield properties.

(9) Inspect or cause to be inspected remediation activities conducted under this chapter.

(10) Act as a liaison ~~with the department~~ to the United States Environmental Protection Agency regarding the program.

(11) Be a point of contact for political subdivisions concerning questions about the program.

(12) Enter into memoranda of understanding, as necessary, with the department and the budget agency concerning the administration and management of the fund and the program.

(b) The authority may do the following under this chapter:

(1) Undertake activities to make private environmental insurance products available to encourage and facilitate the cleanup and redevelopment of brownfield properties.

(2) Enter into agreements with political subdivisions to manage any of the following conducted on brownfield properties:

(A) Environmental assessment activities.

(B) Environmental remediation activities.

(c) The authority may:

(1) negotiate with;

(2) select; and

(3) contract with;

one (1) or more insurers to provide insurance products as described in subsection (b)(1).

(d) Notwithstanding IC 13-23, IC 13-24-1, and IC 13-25-4, the authority is not liable for any contamination addressed by the authority under an agreement under subsection (b)(2) unless existing contamination on the brownfield is exacerbated due to gross negligence or intentional misconduct by the authority.

(e) For purposes of subsection (d), reckless, willful, or wanton misconduct constitutes gross negligence.

(f) The authority is entitled to the same governmental immunity afforded a political subdivision under IC 34-13-3-3(23) for any act taken to investigate or remediate hazardous substances, petroleum, or other pollutants associated with a brownfield under an agreement under subsection (b)(2).

SECTION 10. IC 13-19-5-7, AS AMENDED BY P.L.235-2005, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The authority may provide services to a ~~political subdivision person (as defined in IC 13-11-2-158(a))~~ in connection with ~~a loan or other financial assistance, including advisory and other services, technical assistance, and liability clarification,~~ and may ~~charge assess and collect~~ a fee for:

(1) services provided **to offset the costs of providing the services;** and

(2) costs and services incurred in the review or consideration of an application for a proposed loan or other financial assistance to or for the benefit of a political subdivision under this chapter, regardless of whether the application is approved or rejected.

(b) A political subdivision may pay fees charged under this section.

(c) The authority shall adopt guidelines for the assessment and collection of fees under this section.

(d) Fees collected under this section shall be deposited in the fund.

SECTION 11. IC 13-19-5-8, AS AMENDED BY P.L.235-2005, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The authority may use a priority ranking system in making loans and providing other financial assistance under this chapter based on the following:

(1) Socioeconomic distress in an area, as determined by the poverty level and unemployment rate in the area.

(2) The technical evaluation ~~by the department~~ under section 3(8)(A) and 3(8)(B) of this chapter.

(3) Other factors determined by the authority, including the following:

(A) The number and quality of jobs that would be generated by a project.

(B) Housing, recreational, and educational needs of communities.

(C) Any other factors the authority determines will assist in the implementation of this chapter.

SECTION 12. IC 13-19-5-9, AS AMENDED BY P.L.235-2005, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A loan or other financial assistance must be used for at least one (1) of the purposes under section 1 of this chapter and may be used for any of the following purposes:

(1) To:

(A) establish guaranties, reserves, or sinking funds, including guaranties, reserves, or sinking funds to secure and pay, in whole or in part, loans or other financial assistance made from sources other than the fund (including financial institutions) for a purpose permitted by this chapter; or

(B) provide interest subsidies.

(2) To pay financing charges, including interest on the loan or other financial assistance during remediation and for a reasonable period after the completion of remediation.

(3) To pay consultant, advisory, and legal fees, and any other costs or expenses resulting from:

(A) the assessment, planning, or remediation of a brownfield; or

(B) the loan or other financial assistance.

(b) The authority shall establish the interest rate or parameters for establishing the interest rate on each loan made under this chapter, including parameters for establishing the amount of interest subsidies.

(c) The authority, in setting the interest rate or parameters for establishing the interest rate on each loan, may take into account the following:

(1) Credit risk.

(2) Environmental enforcement and protection.

(3) Affordability.

(4) Other fiscal factors the authority considers relevant, including the program's cost of funds and whether the financial assistance provided to a particular political subdivision is taxable or tax exempt under federal law.

Based on the factors set forth in subdivisions (1) through (4), more than one (1) interest rate may be established and used for loans or other financial assistance to different political subdivisions or for different loans or other financial assistance to the same political subdivision.

(d) Not more than ~~ten~~ **fifty** percent ~~(10%)~~ **(50%)** of the money available in the fund during a **state fiscal** year may be loaned or otherwise provided to any one (1) political subdivision **during that fiscal year**.

(e) Before a political subdivision may receive a loan or other financial assistance, including grants, from the fund, a political subdivision must submit the following:

(1) Documentation of community and neighborhood comment concerning the use of a brownfield on which remediation activities will be undertaken after remediation activities are completed.

(2) A plan for repayment of the loan or other financial assistance, if applicable.

(3) An approving opinion of a nationally recognized bond counsel if required by the authority.

(4) A summary of the environmental objectives of the proposed project.

(f) A political subdivision that receives a loan or other financial assistance from the fund shall enter into a financial assistance agreement. A financial assistance agreement is a valid, binding, and enforceable agreement of the political subdivision.

(g) The authority may sell or assign:

(1) loans or evidence of other financial assistance; and

(2) other obligations of political subdivisions evidencing the loans or other financial assistance from the fund;

at any price and on terms acceptable to the authority. Proceeds of sales or assignments under this subsection shall be deposited in the fund. A sale or an assignment under this subsection does not create a liability or an indebtedness of the state or the authority except, in

the case of the authority, strictly in accordance with the sale or assignment terms.

(h) The authority may pledge loans or evidences of other financial assistance and other obligations of political subdivisions evidencing the loans or other financial assistance from the fund to secure other loans or financial assistance from the fund to or for the benefit of political subdivisions. The terms of a pledge under this subsection must be approved by the budget agency. Notwithstanding any other law, a pledge of property made by the authority and approved by the budget agency under this subsection is binding from the time the pledge is made. Revenues, other money, or other property pledged and then received are immediately subject to the lien of the pledge without any further act. The lien of a pledge is binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, a trustee, or the fund, regardless of whether the parties have notice of a lien. A resolution, an indenture, or other instrument by which a pledge is created is not required to be filed or recorded, except in the records of the authority. An action taken to enforce a pledge under this subsection and to realize the benefits of the pledge is limited to the property pledged. A pledge under this subsection does not create a liability or an indebtedness of the state or the authority except, in the case of the authority, strictly in accordance with the pledge terms."

Page 3, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 15. IC 13-23-13-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16. (a) A political subdivision or unit of federal or state government that acquired ownership or control of an underground storage tank on a brownfield by any of the means listed in IC 13-11-2-150(c) and IC 13-11-2-151(b) may undertake any activity in conjunction with:**

(1) investigation or remediation of hazardous substances, petroleum, and other pollutants associated with a brownfield, including complying with land use restrictions and institutional controls; or

(2) monitoring or closure of an underground storage tank; without being considered as contributing to the existing release or threatened release of a regulated substance on, in, or at the brownfield unless existing contamination on the brownfield is exacerbated due to gross negligence or intentional misconduct by the political subdivision or unit of federal or state government.

(b) For purposes of subsection (a), reckless, willful, or wanton misconduct constitutes gross negligence."

Page 4, between lines 27 and 28, begin a new paragraph and insert:

SECTION 17. IC 13-25-4-8, AS AMENDED BY P.L.1-2006, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) Except as provided in subsection (b), (c), or (d), a person that is liable under Section 107(a) of CERCLA (42 U.S.C. 9607(a)) for:**

(1) the costs of removal or remedial action incurred by the commissioner consistent with the national contingency plan;

(2) the costs of any health assessment or health effects study carried out by or on behalf of the commissioner under Section

104(i) of CERCLA (42 U.S.C. 9604(i)); or

(3) damages for:

- (A) injury to;
- (B) destruction of; or
- (C) loss of;

natural resources of Indiana;

is liable, in the same manner and to the same extent, to the state under this section.

(b) The exceptions provided by Sections 107(b), 107(q), and 107(r) of CERCLA (42 U.S.C. 9607(b), 42 U.S.C. 9607(q), and 42 U.S.C. 9607(r)) to liability otherwise imposed by Section 107(a) of CERCLA (42 U.S.C. 9607(a)) are equally applicable to any liability otherwise imposed under subsection (a).

(c) Notwithstanding any liability imposed by the environmental management laws, a lender, a secured or unsecured creditor, or a fiduciary is not liable under the environmental management laws, in connection with the release or threatened release of a hazardous substance from a facility unless the lender, the fiduciary, or creditor has participated in the management of the hazardous substance at the facility.

(d) Notwithstanding any liability imposed by the environmental management laws, the liability of a fiduciary for a release or threatened release of a hazardous substance from a facility that is held by the fiduciary in its fiduciary capacity may be satisfied only from the assets held by the fiduciary in the same estate or trust as the facility that gives rise to the liability.

(e) Except as provided in subsection (g), a political subdivision (as defined in IC 36-1-2-13) or unit of federal or state government is not liable to the state under this section for costs or damages associated with the presence of a hazardous substance on, in, or at a property in which the political subdivision or unit of federal or state government acquired an interest in the property because of:

- (1) bankruptcy;
- (2) foreclosure;
- (3) tax delinquency, including an acquisition under IC 6-1.1-24 or IC 6-1.1-25;
- (4) abandonment;
- (5) the exercise of eminent domain, including any purchase of property once an offer to purchase has been tendered under IC 32-24-1-5;
- (6) receivership;
- ~~(7) other circumstances in which the political subdivision or unit of federal or state government involuntarily acquired an interest in the property because of the political subdivision's or unit's function as sovereign;~~

~~(8) (7) transfer from another political subdivision or unit of federal or state government; or~~

(8) acquiring an area needing redevelopment (as defined in IC 36-7-1-3) or conducting redevelopment activities, specifically under IC 36-7-14-22.2, IC 36-7-14-22.5, IC 36-7-15.1-15.1, IC 36-7-15.1-15.2, and IC 36-7-15.1-15.5;

(9) other circumstances in which the political subdivision or unit of federal or state government involuntarily acquired ownership or control because of the political subdivision's or unit's function as sovereign; or

~~(9) (10) any other means to conduct remedial actions on a brownfield.~~

(f) If a transfer of an interest in property as described in subsection (e) occurs, a person who owned, operated, or otherwise controlled the property immediately before the political subdivision or unit of federal or state government acquired the interest in the property remains liable under this section:

- (1) in the same manner; and
- (2) to the same extent;

as the person was liable immediately before the person's interest in the property was acquired by the political subdivision or unit of federal or state government.

(g) Notwithstanding subsection (e), a political subdivision or unit of federal or state government that causes or contributes to the release or threatened release of a hazardous substance on, in, or at a property remains subject to this section:

- (1) in the same manner; and
- (2) to the same extent;

as a nongovernmental entity under this section.

(h) Except as provided in subsection (i), a nonprofit corporation is not liable to the state under this section for costs or damages associated with the presence of a hazardous substance on, in, or at a property in which the nonprofit corporation acquired an interest to assist and support a political subdivision's revitalization and reuse of a brownfield for non-commercial purposes, including conservation, preservation, and recreation.

(i) Notwithstanding subsection (h), a nonprofit corporation that causes or contributes to a release or threatened release of a hazardous substance on, in, or at a property remains subject to this section:

- (1) in the same manner; and**
- (2) to the same extent;**

as any other nongovernmental entity under this section.

(j) A political subdivision or unit of federal or state government that establishes an exemption or defense under subsection (b) or (e) may undertake any activity related to:

- (1) investigation, removal, or remedial action on a brownfield, including complying with land use restrictions and institutional controls; or**

(2) monitoring or closure of an underground storage tank; without being considered as contributing to the existing release or threatened release of hazardous substances on, in, or at the brownfield unless existing contamination on the brownfield is exacerbated due to gross negligence or intentional misconduct by the political subdivision or unit of federal or state government.

(k) For purposes of subsection (j), reckless, willful, or wanton misconduct constitutes gross negligence.

SECTION 18. IC 36-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This chapter applies to the following:

- (1) The state.
- (2) All political subdivisions.
- (3) All state agencies.
- (4) Any of the following created by state law:**
 - (A) Public instrumentalities.**
 - (B) Public corporate bodies.**

~~(4) (5) Another state to the extent authorized by the law of that state.~~

~~(5)~~ (6) Political subdivisions of states other than Indiana, to the extent authorized by laws of the other states.

~~(6)~~ (7) Agencies of the federal government, to the extent authorized by federal laws.

SECTION 19. IC 36-1-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) If an agreement under section 3 of this chapter:

(1) involves as parties:

(A) only Indiana political subdivisions; or

(B) **an Indiana political subdivision and:**

(i) **a public instrumentality; or**

(ii) **a public corporate body;**

created by state law;

(2) is approved by the fiscal body of each party **that is an Indiana political subdivision** either before or after ~~it the agreement~~ is entered into by the ~~executives~~ **executive** of the ~~parties;~~ **party;** and

(3) delegates to the treasurer or disbursing officer of one (1) of the parties **that is an Indiana political subdivision** the duty to receive, disburse, and account for all monies of the joint undertaking;

then the approval of the attorney general is not required.

(b) If subsection (a) does not apply, an agreement under section 3 of this chapter must be submitted to the attorney general for his approval. The attorney general shall approve the agreement unless ~~he the attorney general~~ finds that it does not comply with the statutes, in which case ~~he the attorney general~~ shall detail in writing for the ~~executives of the parties~~ the specific respects in which the agreement does not comply. If the attorney general fails to disapprove the agreement within sixty (60) days after it is submitted to ~~him;~~ **the attorney general**, it is considered approved.

SECTION 20. IC 36-1-7-15, AS AMENDED BY P.L.203-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) As used in this section, "economic development entity" means **any of the following:**

(1) A department of redevelopment organized under IC 36-7-14.

(2) A department of metropolitan development under IC 36-7-15.1.

(3) A port authority organized under IC 8-10-5. ~~or~~

(4) An airport authority organized under IC 8-22-3.

(5) **The Indiana finance authority.**

(b) Notwithstanding section 2 of this chapter, two (2) or more economic development entities may enter into a written agreement under section 3 of this chapter if the agreement is approved by each entity's governing body.

(c) A party to an agreement under this section may do one (1) or more of the following:

(1) Except as provided in subsection (d), grant one (1) or more of its powers to another party to the agreement.

(2) Exercise any power granted to it by a party to the agreement.

(3) Pledge any of its revenues, including taxes or allocated taxes under IC 36-7-14, IC 36-7-15.1, or IC 8-22-3.5, to the bonds or lease rental obligations of another party to the agreement under IC 5-1-14-4.

(d) An economic development entity may not grant to another entity the power to tax or to establish an allocation area under IC 8-22-3.5, IC 36-7-14-39, or IC 36-7-15.1.

(e) An agreement under this section does not have to comply with section 3(a)(5) or 4 of this chapter.

(f) An action to challenge the validity of an agreement under this section must be brought within thirty (30) days after the agreement has been approved by all the parties to the agreement. After that period has passed, the agreement is not contestable for any cause.

SECTION 21. IC 36-7-1-3, AS AMENDED BY P.L.185-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. "Area needing redevelopment" means an area in which normal development and occupancy are undesirable or impossible because of **any of the following:**

(1) Lack of development.

(2) Cessation of growth.

(3) Deteriorated or deteriorating improvements.

(4) Environmental contamination.

~~(4)~~ (5) Character of occupancy.

~~(5)~~ (6) Age.

~~(6)~~ (7) Obsolescence.

~~(7)~~ (8) Substandard buildings. ~~or~~

~~(8)~~ (9) Other factors that impair values or prevent a normal use or development of property.

SECTION 22. IC 36-7-1-18, AS AMENDED BY P.L.185-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. "Redevelopment" includes the following activities:

(1) Acquiring real property in areas needing redevelopment.

(2) Replatting and determining the proper use of real property acquired.

(3) Opening, closing, relocating, widening, and improving public ways.

(4) Relocating, constructing, and improving sewers, utility services, offstreet parking facilities, and levees.

(5) Laying out and constructing necessary public improvements, including parks, playgrounds, and other recreational facilities.

(6) Restricting the use of real property acquired according to law.

(7) Repairing and maintaining buildings acquired, if demolition of those buildings is not considered necessary to carry out the redevelopment plan.

(8) Rehabilitating real or personal property ~~whether or not acquired;~~ to carry out the redevelopment or urban renewal plan, **regardless of whether the real or personal property is acquired by the unit.**

(9) Investigating and remediating environmental contamination on real property to carry out the redevelopment or urban renewal plan, regardless of whether the real property is acquired by the unit.

~~(9)~~ (10) Disposing of property acquired on the terms and conditions and for the uses and purposes that best serve the interests of the units served by the redevelopment commission.

~~(10)~~ (11) Making payments required or authorized by IC 8-23-17.

~~(11)~~ **(12)** Performing all acts incident to the statutory powers and duties of a redevelopment commission.

SECTION 23. IC 36-7-1-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 18.5. "Remediation" has the meaning set forth in IC 13-11-2-186.**

SECTION 24. IC 36-7-14-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) The **assessment**, planning, replanning, **remediation**, development, and redevelopment of economic development areas:

(1) are public and governmental functions that cannot be accomplished through the ordinary operations of private enterprise because of:

~~(1)~~ **(A)** the necessity for requiring the proper use of the land so as to best serve the interests of the county and its citizens; and

~~(2)~~ **(B)** the costs of these projects;

~~(b) The planning, replanning, development, and redevelopment of economic development areas~~

(2) will:

~~(1)~~ **(A)** benefit the public health, safety, morals, and welfare;

~~(2)~~ **(B)** increase the economic well-being of the unit and the state; and

~~(3)~~ **(C)** serve to protect and increase property values in the unit and the state;

~~(c) The planning, replanning, development, and redevelopment of economic development areas under this chapter~~

(3) are public uses and purposes for which public money may be spent and private property may be acquired.

~~(d)~~ **(b)** This section and sections 41 and 43 of this chapter shall be liberally construed to carry out the purposes of this section.

SECTION 25. IC 36-7-14-11, AS AMENDED BY P.L.185-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. The redevelopment commission shall:

(1) investigate, study, and survey areas needing redevelopment within the corporate boundaries of the unit;

(2) investigate, study, determine, and, to the extent possible, combat the causes of areas needing redevelopment;

(3) promote the use of land in the manner that best serves the interests of the unit and its inhabitants;

(4) cooperate:

(A) with the departments and agencies of:

(i) the unit; and ~~of~~

(ii) other governmental entities; and

(B) with:

(i) public instrumentalities; and

(ii) public corporate bodies;

created by state law;

in the manner that best serves the purposes of this chapter;

(5) make findings and reports on their activities under this section, and keep those reports open to inspection by the public at the offices of the department;

(6) select and acquire the areas needing redevelopment to be redeveloped under this chapter; and

(7) replan and dispose of the areas needing redevelopment in

the manner that best serves the social and economic interests of the unit and its inhabitants.

SECTION 26. IC 36-7-14-12.2, AS AMENDED BY P.L.185-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12.2. (a) The redevelopment commission may **do the following**:

(1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of areas needing redevelopment that are located within the corporate boundaries of the unit.

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the unit and its inhabitants.

(3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.

(4) Clear real property acquired for redevelopment purposes.

(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

~~(5)~~ **(7)** Repair and maintain structures acquired for redevelopment purposes.

~~(6)~~ **(8)** Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.

~~(7)~~ **(9)** Survey or examine any land to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes and to determine the value of that land.

~~(8)~~ **(10)** Appear before any other department or agency of the unit, or before any other governmental agency in respect to any matter affecting:

(A) real property acquired or being acquired for redevelopment purposes; or

(B) any area needing redevelopment within the jurisdiction of the commissioners.

~~(9)~~ **(11)** Institute or defend in the name of the unit any civil action.

~~(10)~~ **(12)** Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the department of redevelopment.

~~(11)~~ **(13)** Exercise the power of eminent domain in the name of and within the corporate boundaries of the unit in the manner prescribed by section 20 of this chapter.

~~(12)~~ **(14)** Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys.

~~(13)~~ **(15)** Appoint clerks, guards, laborers, and other employees the commission considers advisable, except that those appointments must be made in accordance with the merit system of the unit if such a system exists.

~~(14)~~ **(16)** Prescribe the duties and regulate the compensation of employees of the department of redevelopment.

~~(15)~~ **(17)** Provide a pension and retirement system for employees of the department of redevelopment by using the Indiana public employees' retirement fund or a retirement plan approved by the United States Department of Housing and Urban Development.

~~(16)~~ **(18)** Discharge and appoint successors to employees of the department of redevelopment subject to subdivision ~~(13)~~; **(15)**.

~~(17)~~ **(19)** Rent offices for use of the department of redevelopment, or accept the use of offices furnished by the unit.

~~(18)~~ **(20)** Equip the offices of the department of redevelopment with the necessary furniture, furnishings, equipment, records, and supplies.

~~(19)~~ **(21)** Expend, on behalf of the special taxing district, all or any part of the money of the special taxing district.

~~(20)~~ **(22)** Contract for the construction of:

(A) local public improvements (as defined in IC 36-7-14.5-6) or structures that are necessary for redevelopment of areas needing redevelopment or economic development within the corporate boundaries of the unit; or

(B) any structure that enhances development or economic development.

~~(21)~~ **(23)** Contract for the construction, extension, or improvement of pedestrian skyways.

~~(22)~~ **(24)** Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.

~~(23)~~ **(25)** Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units within the district. However, financial assistance may be provided only to individuals and families whose income is at or below the unit's median income for individuals and families, respectively.

~~(24)~~ **(26)** Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:

(A) provide financial assistance for the purposes described in subdivision ~~(23)~~; **(25)**; or

(B) construct, rehabilitate, or repair commercial property within the district. ~~and~~

~~(25)~~ **(27)** Require as a condition of financial assistance to the owner of a multiple unit residential structure that any of the units leased by the owner must be leased:

(A) for a period to be determined by the commission, which may not be less than five (5) years;

(B) to families whose income does not exceed eighty percent (80%) of the unit's median income for families; and

(C) at an affordable rate.

(b) Conditions imposed by the commission under subsection ~~(a)(25)~~ **(a)(27)** remain in force throughout the period determined under subsection ~~(a)(25)(A)~~, **(a)(27)(A)**, even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.

(c) As used in this section, "pedestrian skyway" means a pedestrian walkway within or outside of the public right-of-way and through and above public or private property and buildings, including all structural supports required to connect skyways to buildings or buildings under construction. Pedestrian skyways constructed, extended, or improved over or through public or private property constitute public property and public improvements, constitute a public use and purpose, and do not require vacation of any public way or other property.

(d) All powers that may be exercised under this chapter by the redevelopment commission may also be exercised by the redevelopment commission in carrying out its duties and purposes under IC 36-7-14.5.

SECTION 27. IC 36-7-14-12.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12.3. IC 5-16-7 applies to:

(1) a person that enters into a contract with a redevelopment commission to perform construction work referred to in section 12.2(a)(4), ~~12.2(a)(6)~~, ~~12.2(a)(20)~~, or ~~12.2(a)(21)~~; **12.2(a)(7), 12.2(a)(22), or 12.2(a)(23)** of this chapter; and

(2) a subcontractor of a person described in subdivision (1); with respect to the construction work referred to in subdivision (1).

SECTION 28. IC 36-7-14-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) A county may contract with a city within the county to have any of the duties and powers listed in sections 11 and 12.2 of this chapter performed by the redevelopment commission of the city.

(b) A city may contract with the county in which it is located to have any of the duties and powers listed in sections 11 and 12.2 of this chapter performed by the redevelopment commission of the county.

(c) A city or county may contract with:

(1) a public instrumentality; or

(2) a public corporate body;

created by state law to have the powers listed in section 12.2(a)(4) through 12.2(a)(7) of this chapter performed by the public instrumentality or public corporate body.

~~(d)~~ **(d)** A contract made under this section must be for a stated and limited period and may be renewed.

~~(e)~~ **(e)** Whenever a city official acts under a contract made under this section, or whenever permits or other writings are used under such a contract, the action or use must be in the name of the county redevelopment commission.

SECTION 29. IC 36-7-14-15, AS AMENDED BY P.L.185-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) Whenever the redevelopment commission finds that:

(1) an area in the territory under their jurisdiction is an area needing redevelopment;

(2) the conditions described in IC 36-7-1-3 cannot be corrected in the area by regulatory processes or the ordinary operations of private enterprise without resort to this chapter; and

(3) the public health and welfare will be benefited by the acquisition and redevelopment of the area under this chapter; the commission shall cause to be prepared the data described in subsection (b).

(b) After making a finding under subsection (a), the commission shall cause to be prepared:

(1) maps and plats showing:

(A) the boundaries of the area needing redevelopment, the location of the various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, **remediation**, replatting, replanning, rezoning, or redevelopment of the area, indicating any parcels of property to be excluded from the acquisition; and

(B) the parts of the area acquired that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the redevelopment plan;

(2) lists of the owners of the various parcels of property proposed to be acquired; and

(3) an estimate of the cost of acquisition and redevelopment.

(c) After completion of the data required by subsection (b), the redevelopment commission shall adopt a resolution declaring that:

(1) the area needing redevelopment is a menace to the social and economic interest of the unit and its inhabitants;

(2) it will be of public utility and benefit to acquire the area and redevelop it under this chapter; and

(3) the area is designated as a redevelopment project area for purposes of this chapter.

The resolution must state the general boundaries of the redevelopment project area, and that the department of redevelopment proposes to acquire all of the interests in the land within the boundaries, with certain designated exceptions, if there are any.

(d) For the purpose of adopting a resolution under subsection (c), it is sufficient to describe the boundaries of the redevelopment project area by its location in relation to public ways or streams, or otherwise, as determined by the commissioners. Property excepted from the acquisition may be described by street numbers or location.

SECTION 30. IC 36-7-14-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) The redevelopment commission may proceed with the clearing and replanning of the area described in the resolution before the acquisition of all of that area. It may also proceed with the repair and maintenance of buildings that have been acquired and are not to be cleared, **and with the following with respect to environmental contamination:**

(1) Investigation.

(2) Remediation.

~~This clearance, repair, and maintenance~~ **The redevelopment commission may be carried carry out activities under this subsection** by labor employed directly by the commission or by contract. Contracts for clearance may provide that the contractor is

entitled to retain and dispose of salvaged material, as a part of the contract price or on the basis of stated prices for the amounts of the various materials actually salvaged.

(b) All contracts for material or labor under this section shall be let under IC 36-1.

(c) In the planning and rezoning of the real property acquired, the opening, closing, relocation, and improvement of public ways, and the construction, relocation, and improvement of levees, sewers, parking facilities, and utility services, the redevelopment commission shall proceed in the same manner as private owners of the property. It may negotiate with the proper officers and agencies of the unit to secure the proper orders, approvals, and consents.

(d) Any construction work required in connection with improvements in the area described in the resolution may be carried out by:

(1) the appropriate municipal or county department or agency; or

(2) the department of redevelopment, if:

(A) all plans, specifications, and drawings are approved by the appropriate department or agency; and

(B) the statutory procedures for the letting of contracts by the appropriate department or agency are followed by the department of redevelopment.

(e) The redevelopment commission may pay any charges or assessments made on account of orders, approval, consents, and construction work under this section, or may agree to pay these assessments in installments as provided by statute in the case of private owners. The commission may:

(1) by special waiver filed with the municipal works board or county executive, waive the statutory procedure and notices required by law in order to create valid liens on private property; and

(2) cause any assessments to be spread on a different basis than that provided by statute.

(f) None of the real property acquired under this chapter may be set aside and dedicated for public ways, parking facilities, sewers, levees, parks, or other public purposes until the redevelopment commission has obtained the consent and approval of the department or agency under whose jurisdiction the property will be placed.

SECTION 31. IC 36-7-14-30, AS AMENDED BY P.L.185-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 30. In addition to its authority under any other section of this chapter, the redevelopment commission may plan and undertake urban renewal projects. For purposes of this chapter, an urban renewal project includes undertakings and activities for the elimination and the prevention of the conditions described in IC 36-7-1-3, and may involve any work or undertaking that is performed for those purposes and is related to a redevelopment project, or any rehabilitation or conservation work, or any combination of such an undertaking or work, such as **the following:**

(1) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements.

(2) Acquisition of real property and demolition, removal, or rehabilitation of buildings and improvements on the property

when necessary **for the following:**

(A) To eliminate unhealthful, unsanitary, or unsafe conditions.

(B) **To mitigate or eliminate environmental contamination.**

(C) **To do any of the following:**

(i) Lessen density.

(ii) Reduce traffic hazards.

(iii) Eliminate uses that are obsolete or otherwise detrimental to the public welfare.

(iv) Otherwise remove or prevent the spread of the conditions described in IC 36-7-1-3. ~~or~~

(v) Provide land for needed public facilities.

(3) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project. ~~and~~

(4) The disposition, for uses in accordance with the objectives of the urban renewal project, of any property acquired in the area of the project.

SECTION 32. IC 36-7-14-32, AS AMENDED BY P.L.185-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 32. (a) In connection with the planning and undertaking of an urban renewal plan or urban renewal project, the redevelopment commission, municipal, county, public, and private officers, agencies, and bodies have all the rights, powers, privileges, duties, and immunities that they have with respect to a redevelopment plan or redevelopment project, as if all of the provisions of this chapter applicable to a redevelopment plan or redevelopment project were applicable to an urban renewal plan or urban renewal project.

(b) In addition to its other powers, the redevelopment commission may also:

(1) make plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements;

(2) make plans for the enforcement of laws and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements;

(3) make preliminary plans outlining urban renewal activities for neighborhoods to embrace two (2) or more urban renewal areas;

(4) make preliminary surveys, **including environmental assessments**, to determine if the undertaking and carrying out of an urban renewal project are feasible;

(5) make plans for the relocation of persons (including families, business concerns, and others) displaced by an urban renewal project;

(6) make relocation payments to or with respect to persons (including families, business concerns, and others) displaced by an urban renewal project, for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of payments financed by the federal government; and

(7) develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and

the elimination of the conditions described in IC 36-7-1-3 in urban areas.

SECTION 33. IC 36-7-14-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33. (a) Any:

(1) political subdivision; ~~or~~

(2) other governmental entity;

(3) **public instrumentality created by state law; or**

(4) **public body created by state law;**

may, in the area in which it is authorized to act, do all things necessary to aid and cooperate in the planning and undertaking of an urban renewal project, including furnishing the financial and other assistance that it is authorized by this chapter to furnish for or in connection with a redevelopment plan or redevelopment project.

(b) The redevelopment commission may delegate to:

(1) an executive department of a unit or county; ~~or to~~

(2) another governmental entity;

(3) **a public instrumentality created by state law; or**

(4) **a public body created by state law;**

any of the powers or functions of the commission with respect to the planning or undertaking of an urban renewal project in the area in which that department, ~~or entity~~, **public instrumentality, or public body** is authorized to act. The department, ~~or entity~~, **public instrumentality, or public body** may then carry out or perform those powers or functions for the commission.

(c) A unit, ~~or other another~~ governmental entity, **a public instrumentality created by state law, or a public body created by state law** may enter into agreements with the redevelopment commission or any other entity respecting action to be taken under this chapter, including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project. These agreements may extend over any period, notwithstanding any other law.

SECTION 34. IC 36-7-15.1-2, AS AMENDED BY P.L.185-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The **assessment**, clearance, **remediation**, replanning, and redevelopment of areas needing redevelopment are public and governmental functions that cannot be accomplished through the ordinary operations of private enterprise, due to the necessity for the exercise of the power of eminent domain, the necessity for requiring the proper use of the land so as to best serve the interests of the county and its citizens, and the cost of these projects.

(b) The conditions that exist in areas needing redevelopment are beyond remedy and control by regulatory processes because of the obsolescence and deteriorated conditions of improvements, **environmental contamination**, faulty land use, shifting of population, and technological and social changes.

(c) The **assessment**, clearing, **remediation**, replanning, and redevelopment of areas needing redevelopment will benefit the health, safety, morals, and welfare and will serve to protect and increase property values in the county and the state.

(d) The **assessment**, clearance, **remediation**, replanning, and redevelopment of areas needing redevelopment under this chapter are public uses and purposes for which public money may be spent and private property may be acquired.

(e) This chapter shall be liberally construed to carry out the purposes of this section.

SECTION 35. IC 36-7-15.1-6, AS AMENDED BY P.L.185-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The commission shall:

- (1) investigate, study, and survey areas needing redevelopment within the redevelopment district;
- (2) investigate, study, determine, and to the extent possible combat the causes of the conditions described in IC 36-7-1-3;
- (3) promote the use of land in the manner that best serves the interests of the consolidated city and its inhabitants, both from the standpoint of human needs and economic values;
- (4) cooperate:
 - (A) with the departments and agencies of:
 - (i) the city; and ~~of~~
 - (ii) other governmental entities; **and**
 - (B) with:
 - (i) **public instrumentalities; and**
 - (ii) **public bodies;**

created by state law;

- in the manner that best serves the purposes of this chapter;
- (5) make findings and reports on its activities under this section, and keep those reports open to inspection by the public at the offices of the department;
 - (6) select and acquire the areas needing redevelopment to be redeveloped under this chapter; and
 - (7) replan and dispose of the areas needing redevelopment in the manner that best serves the social and economic interests of the city and its inhabitants.

SECTION 36. IC 36-7-15.1-7, AS AMENDED BY P.L.185-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) In carrying out its duties and purposes under this chapter, the commission may do the following:

- (1) Acquire by purchase, exchange, gift, grant, lease, or condemnation, or any combination of methods, any real or personal property or interest in property needed for the redevelopment of areas needing redevelopment that are located within the redevelopment district.
- (2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, invest in, or otherwise dispose of, through any combination of methods, property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the city and its inhabitants.
- (3) Acquire from and sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the city, or to any other governmental agency, for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes, on any terms that may be agreed upon.
- (4) Clear real property acquired for redevelopment purposes.
- (5) **Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:**
 - (A) **Hazardous substances.**
 - (B) **Petroleum.**

(C) **Other pollutants.**

(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:

(A) **Hazardous substances.**

(B) **Petroleum.**

(C) **Other pollutants.**

~~(5)~~ (7) Repair and maintain structures acquired or to be acquired for redevelopment purposes.

~~(6)~~ (8) Enter upon, survey, or examine any land, to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes, and determine the value of that land.

~~(7)~~ (9) Appear before any other department or agency of the city, or before any other governmental agency in respect to any matter affecting:

(A) real property acquired or being acquired for redevelopment purposes; or

(B) any area needing redevelopment within the jurisdiction of the commission.

~~(8)~~ (10) Exercise the power of eminent domain in the name of the city, within the redevelopment district, in the manner prescribed by this chapter.

~~(9)~~ (11) Establish a uniform fee schedule whenever appropriate for the performance of governmental assistance, or for providing materials and supplies to private persons in project or program related activities.

~~(10)~~ (12) Expend, on behalf of the redevelopment district, all or any part of the money available for the purposes of this chapter.

~~(11)~~ (13) Contract for the construction, extension, or improvement of pedestrian skyways.

~~(12)~~ (14) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.

~~(13)~~ (15) Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units within the district. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.

~~(14)~~ (16) Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:

(A) provide financial assistance for the purposes described in subdivision ~~(13)~~; (15); or

(B) construct, rehabilitate, or repair commercial property within the district.

~~(15)~~ (17) Require as a condition of financial assistance to the owner of a multiunit residential structure that any of the units leased by the owner must be leased:

(A) for a period to be determined by the commission, which may not be less than five (5) years;

(B) to families whose income does not exceed eighty percent (80%) of the county's median income for families; and

(C) at an affordable rate.

Conditions imposed by the commission under this subdivision remain in force throughout the period determined under clause (A), even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.

~~(+6)~~ **(18)** Provide programs in job training, job enrichment, and basic skill development for residents of an enterprise zone.

~~(+7)~~ **(19)** Provide loans and grants for the purpose of stimulating business activity in an enterprise zone or providing employment for residents of an enterprise zone.

~~(+8)~~ **(20)** Contract for the construction, extension, or improvement of:

(A) public ways, sidewalks, sewers, waterlines, parking facilities, park or recreational areas, or other local public improvements (as defined in IC 36-7-15.3-6) or structures that are necessary for redevelopment of areas needing redevelopment or economic development within the redevelopment district; or

(B) any structure that enhances development or economic development.

(b) In addition to its powers under subsection (a), the commission may plan and undertake, alone or in cooperation with other agencies, projects for the redevelopment of, rehabilitating, preventing the spread of, or eliminating slums or areas needing redevelopment, both residential and nonresidential, which projects may include any of the following:

(1) The repair or rehabilitation of buildings or other improvements by the commission, owners, or tenants.

(2) The acquisition of real property.

(3) Either of the following with respect to environmental contamination on real property:

(A) Investigation.

(B) Remediation.

~~(+3)~~ **(4)** The demolition and removal of buildings or improvements on buildings acquired by the commission where necessary **for any of the following:**

(A) To eliminate unhealthful, unsanitary, or unsafe conditions.

(B) To mitigate or eliminate environmental contamination.

(C) To lessen density.

(D) To reduce traffic hazards.

(E) To eliminate obsolete or other uses detrimental to public welfare.

(F) To otherwise remove or prevent the conditions described in IC 36-7-1-3. ~~or~~

(G) To provide land for needed public facilities.

~~(+4)~~ **(5)** The preparation of sites and the construction of improvements (such as public ways and utility connections) to facilitate the sale or lease of property.

~~(+5)~~ **(6)** The construction of buildings or facilities for residential, commercial, industrial, public, or other uses.

~~(+6)~~ **(7)** The disposition in accordance with this chapter, for uses in accordance with the plans for the projects, of any property acquired in connection with the projects.

(c) The commission may use its powers under this chapter relative to real property and interests in real property obtained by voluntary sale or transfer, even though the real property and interests in real property are not located in a redevelopment or urban renewal project area established by the adoption and confirmation of a resolution under sections ~~8(b)~~, **8(c)**, 9, 10, and 11 of this chapter. In acquiring real property and interests in real property outside of a redevelopment or urban renewal project area, the commission shall comply with section 12(b) through 12(e) of this chapter. The commission shall hold, develop, use, and dispose of this real property and interests in real property substantially in accordance with section 15 of this chapter.

(d) As used in this section, "pedestrian skyway" means a pedestrian walkway within or outside of the public right-of-way and through and above public or private property and buildings, including all structural supports required to connect skyways to buildings or buildings under construction. Pedestrian skyways constructed, extended, or improved over or through public or private property constitute public property and public improvements, constitute a public use and purpose, and do not require vacation of any public way or other property.

(e) All powers that may be exercised under this chapter by the commission may also be exercised by the commission in carrying out its duties and purposes under IC 36-7-15.3.

SECTION 37. IC 36-7-15.1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) The commission may proceed with the clearing and replanning of the area described in the resolution before the acquisition of all of that area. It may also proceed with **any of the following:**

(1) The repair and maintenance of buildings that have been acquired and are not to be cleared.

(2) Investigation of environmental contamination.

(3) Remediation of environmental contamination.~~†~~

~~his clearance, repair, and maintenance~~ **The commission may be carried carry out the activities under this subsection** by labor employed directly by the commission or by contract. Contracts for clearance may provide that the contractor is entitled to retain and dispose of salvaged material, as a part of the contract price or on the basis of stated prices for the amounts of the various materials actually salvaged.

(b) All contracts for material or labor under this section shall be let under IC 36-1.

(c) In the replanning and rezoning of the real property acquired, the opening, closing, relocation, and improvement of public ways, and the construction, relocation, or improvement of levees, sewers, and utility services, the commission shall proceed in the same manner as private owners of property. It may negotiate with the proper officers and agencies to secure the proper orders, approvals, and consents.

(d) The commission may pay any charges or assessments made on account of orders, approvals, consents, and construction work under this section, or may agree to pay these assessments in installments as provided by statute in the case of private owners. The commission may:

(1) by special waiver filed with the works board, waive the statutory procedure and notices required by law in order to create valid liens on private property; and

(2) cause any assessments to be spread on a different basis than that provided by statute.

(e) None of the real property acquired under this chapter may be set aside and dedicated for public ways, sewers, levees, parks, or other public purposes until the commission has obtained the consent and approval of the department or agency under whose jurisdiction the property will be placed.

SECTION 38. IC 36-7-15.1-20, AS AMENDED BY P.L.185-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. In addition to its authority under any other section of this chapter, the commission may plan and undertake urban renewal projects. For purposes of this chapter, an urban renewal project includes undertakings and activities for the elimination or the prevention of the development or spread of the conditions described in IC 36-7-1-3, and may involve any work or undertaking that is performed for those purposes constituting a redevelopment project, or any rehabilitation or conservation work, or any combination of such an undertaking or work, such as **the following**:

(1) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements.

(2) Acquisition of real property and demolition, removal, or rehabilitation of buildings and improvements on the property when necessary to **do any of the following**:

(A) Eliminate unhealthful, unsanitary, or unsafe conditions.

(B) **Mitigate or eliminate environmental contamination.**

(C) Lessen density.

(D) Reduce traffic hazards.

(E) Eliminate uses that are obsolete or otherwise detrimental to the public welfare.

(F) Otherwise remove or prevent the spread of the conditions described in IC 36-7-1-3. ~~or~~

(G) Provide land for needed public facilities.

(3) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project. ~~and~~

(4) The disposition, for uses in accordance with the objectives of the urban renewal project, of any property acquired in the area of the project.

SECTION 39 IC 36-7-15.1-22, AS AMENDED BY P.L.185-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) In connection with the planning and undertaking of an urban renewal plan or urban renewal project, the commission and all public and private officers, agencies, and bodies have all the rights, powers, privileges, duties, and immunities that they have with respect to a redevelopment plan or redevelopment project, as if all of the provisions of this chapter applicable to a redevelopment plan or redevelopment project were applicable to an urban renewal plan or urban renewal project.

(b) In addition to its other powers, the commission may also:

(1) make plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements;

(2) make plans for the enforcement of laws and regulations relating to the use of land and the use and occupancy of

buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements;

(3) make preliminary plans outlining urban renewal activities for neighborhoods to embrace two (2) or more urban renewal areas;

(4) make preliminary surveys, **including environmental assessments**, to determine if the undertaking and carrying out of an urban renewal project are feasible;

(5) make plans for the relocation of persons (including families, business concerns, and others) displaced by an urban renewal project;

(6) make relocation payments in accordance with eligibility requirements of IC 8-23-17 or the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 (42 U.S.C. 4621 et seq.) to or with respect to persons (including families, business concerns, and others) displaced by an urban renewal project, for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of payments financed by the federal government; and

(7) develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of the conditions described in IC 36-7-1-3 in urban areas.

SECTION 40. IC 36-7-15.1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) Any:

(1) political subdivision; ~~or~~

(2) other governmental entity;

(3) **public instrumentality created by state law; or**

(4) **public body created by state law;**

may, in the area in which it is authorized to act, do all things necessary to aid and cooperate in the planning and undertaking of an urban renewal project, including furnishing the financial and other assistance that it is authorized by this chapter to furnish for or in connection with a redevelopment plan or redevelopment project.

(b) The commission may delegate to:

(1) an executive department of the consolidated city or county;

~~or to~~

(2) another governmental entity;

(3) **a public instrumentality created by state law; or**

(4) **a public body created by state law;**

any of the powers or functions of the commission with respect to the planning or undertaking of an urban renewal project in the area in which that department or entity is authorized to act. The department, ~~or~~ entity, **public instrumentality, or public body** may then carry out or perform those powers or functions for the commission.

(c) A unit, ~~or other another~~ governmental entity, **a public instrumentality created by state law, or a public body created by state law** may enter into agreements with the commission or any other entity respecting action to be taken under this chapter, including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project. These agreements may extend over any period, notwithstanding any other law.

SECTION 41. IC 36-7-15.1-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 41. (a) A political subdivision, ~~or other another~~ governmental entity, **a public instrumentality created by state law, or a public body created by state law** may, in the area in which it is authorized to act, do all things necessary to aid and cooperate in the planning and undertaking of a redevelopment or economic development project, including furnishing the financial and other assistance that it is authorized by this chapter to furnish for or in connection with a redevelopment plan or redevelopment project.

(b) A unit, ~~or other another~~ governmental entity, **a public instrumentality created by state law, or a public body created by state law** may enter into agreements with the commission or any other entity respecting action to be taken under this chapter, including the furnishing of funds or other assistance in connection with a redevelopment or economic development plan or project. These agreements may extend over any period, notwithstanding any other law."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1192 as printed March 13, 2007.)

GARD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1269

Senator Jackman called up Engrossed House Bill 1269 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1288

Senator Lubbers called up Engrossed House Bill 1288 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1301

Senator Lubbers called up Engrossed House Bill 1301 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1305

Senator Lewis called up Engrossed House Bill 1305 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1505

Senator Bray called up Engrossed House Bill 1505 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1654

Senator Steele called up Engrossed House Bill 1654 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1678

Senator Miller called up Engrossed House Bill 1678 for second

reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1726

Senator Heinold called up Engrossed House Bill 1726 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1778

Senator Lubbers called up Engrossed House Bill 1778 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1778-1)

Madam President: I move that Engrossed House Bill 1778 be amended to read as follows:

Page 7, delete line 17.

Page 7, line 18, after "(4)" insert "**a member of the household of the child's noncustodial parent; or (5)**".

(Reference is to EHB 1778 as printed March 23, 2007.)

LUBBERS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1818

Senator Merritt called up Engrossed House Bill 1818 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1835

Senator Jackman called up Engrossed House Bill 1835 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1835-10)

Madam President: I move that Engrossed House Bill 1835 be amended to read as follows:

Page 6, line 39, after "(140)" insert "**but not more than one hundred sixty (160)**".

Page 6, line 42, delete "Ninety" and insert "**At least eighty (80) but not more than ninety**".

Page 7, line 1, delete "Fifty (50)" and insert "**At least sixty (60) but not more than seventy (70)**".

Page 7, between lines 16 and 17, begin a new paragraph and insert:

"(d) A permit holder may not conduct more than twelve (12) races on a particular racing day."

Page 8, between lines 26 and 27, begin a new paragraph and insert:

"(c) A permit holder licensed to conduct gambling games under IC 4-35 is limited to the number of satellite facility licenses issued to the permit holder before January 1, 2007."

Page 19, line 9, delete "ending before July 1, 2009,".

Page 19, line 12, delete "slot machine taxes," and insert "**money,**".

Page 19, line 12, delete "to the" and insert "**by licensees under**".

IC 4-35-7-12 to horsemen's associations and for horse racing purses and breed development in the state fiscal year."

Page 19, delete lines 13 through 14.

Page 19, line 15, delete "a" and insert "each".

Page 19, line 15, delete "ending before July 1, 2009,".

Page 19, line 20, delete "slot machine taxes" and insert **"money distributed under IC 4-35-7-12 that is"**.

Page 19, delete lines 25 through 33.

Page 24, line 18, delete "a" and insert "each".

Page 24, line 18, delete "ending before July 1, 2009,".

Page 24, line 21, delete "For a state fiscal year".

Page 24, delete lines 22 through 24.

Page 25, line 35, delete "permit holder holding a gambling" and insert **"person holding a license issued under this article."**

Page 25, delete line 36.

Page 26, line 14, delete "operations" and insert **"games at racetracks"**.

Page 26, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 4. This article will maintain the public's confidence and trust through:

(1) comprehensive law enforcement supervision; and

(2) the strict regulation of facilities, persons, associations, and gambling games at racetracks under this article."

Page 27, line 2, delete "license holders" and insert "licensees".

Page 27, line 13, delete "the form" and insert **"forms"**.

Page 27, line 18, after "article." insert **"The employees hired by the commission under this article may be the same as the commission's employees hired under IC 4-32.2 or IC 4-33."**

Page 27, between lines 20 and 21, begin a new paragraph and insert:

"(c) The commission may by resolution assign to the executive director any duty imposed upon the commission by this article.

(d) The executive director shall perform the duties assigned to the executive director by the commission. The executive director may exercise any power conferred upon the commission by this article that is consistent with the duties assigned to the executive director under subsection (c)."

Page 29, line 31, after "Sec. 7." insert **"(a)"**.

Page 29, between lines 34 and 35, begin a new paragraph and insert:

"(b) Where applicable, 68 IAC applies to racetracks conducting gambling games under this article."

Page 30, line 8, delete "operations;" and insert **"games at racetracks;"**.

Page 30, line 9, after "gambling" insert **"games at racetracks."**

Page 30, delete line 10.

Page 30, line 31, delete "slot machine gambling operations." and insert **"gambling games at racetracks."**

Page 30, line 37, delete "slot machine gambling operations." and insert **"gambling games at racetracks."**

Page 31, line 4, delete "slot machine gambling operations" and insert **"gambling games at racetracks"**.

Page 31, line 23, after "Sec. 2.5." insert **"(a)"**.

Page 31, after line 42, begin a new paragraph and insert:

"(b) In determining whether to grant a license under this

chapter to an applicant, the commission shall consider the following:

(1) The character, reputation, experience, and financial integrity of the following:

(A) The applicant.

(B) A person that:

(i) directly or indirectly controls the applicant; or

(ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.

(2) The facilities or proposed facilities for the conduct of gambling games.

(3) The prospective total revenue to be collected by the state from the conduct of gambling games.

(4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.

(5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

(6) If the applicant has adequate capitalization to provide and maintain facilities for gambling games for the duration of the license.

(7) The extent to which the applicant exceeds or meets other standards adopted by the commission.

Sec. 2.6. (a) A licensee under this chapter must post a bond with the commission at least sixty (60) days before the commencement of gambling games at the licensee's racetrack.

(b) The bond shall be furnished in:

(1) cash or negotiable securities;

(2) a surety bond:

(A) with a surety company approved by the commission; and

(B) guaranteed by a satisfactory guarantor; or

(3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.

(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the licensee.

(d) The bond:

(1) is subject to the approval of the commission;

(2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with gambling games at the racetrack; and

(3) must be payable to the commission as obligee for use in payment of the licensee's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensee's bond is insufficient, the licensee shall upon written demand of the commission file a new bond.

(f) The commission may require a licensee to file a new bond with a satisfactory surety in the same form and amount if:

(1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the licensee's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit in which the racetrack is located.

(i) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond, and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(j) The commission may adopt rules authorizing the release of a bond under this section.

Sec. 2.7. The commission may revoke a license under this chapter if:

- (1) the licensee begins regular gambling game operations more than twelve (12) months after receiving the commission's approval of the application for the license; and
- (2) the commission determines that the revocation of the license is in the best interests of Indiana.

Sec. 2.8. A license to conduct gambling games:

- (1) is a revocable privilege granted by the state; and
- (2) is not a property right."

Page 34, line 42, delete "operations" and insert "games at racetracks".

Page 36, between lines 16 and 17, begin a new paragraph and insert:

"Chapter 6.5. Licensing of Occupations

Sec. 1. The commission shall determine the occupations related to gambling games at racetracks that require a license under this chapter.

Sec. 2. (a) The commission may issue an occupational license to an individual if:

- (1) the individual has applied for the occupational license;
- (2) a nonrefundable application fee set by the commission has been paid on behalf of the applicant in accordance with subsection (b);
- (3) the commission has determined that the applicant is eligible for an occupational license; and
- (4) an annual license fee in an amount established by the commission has been paid on behalf of the applicant in accordance with subsection (b).

(b) A permit holder that is an applicant for a license under this article or that is issued a license under this article or a holder of a supplier's license under this article shall pay the application fee of an individual applying for an occupational license to work:

- (1) in an occupation related to gambling games at the permit holder's racetrack; or
- (2) for the holder of a supplier's license.

A permit holder that is an applicant for a license under this article or that is issued a license under this article or a holder of a supplier's license under this article shall pay the annual

occupational license fee on behalf of an employee or potential employee. A permit holder that is an applicant for a license under this article or that is issued a license under this article or a holder of a supplier's license under this article may seek reimbursement of the application fee or annual license fee from an employee who is issued an occupational license.

(c) A license issued under this chapter is valid for one (1) year after the date of issuance.

(d) Unless an occupational license is suspended, expires, or is revoked, the occupational license may be renewed annually upon:

- (1) the payment of an annual license fee by the permit holder that is issued a license under this article or the holder of a supplier's license under this article on behalf of the licensee in an amount established by the commission; and
- (2) a determination by the commission that the licensee is in compliance with this article.

(e) The commission may investigate the holder of an occupational license at any time the commission determines it is necessary to ensure that the licensee is in compliance with this article.

(f) A permit holder that is an applicant for a license under this article or that is issued a license under this article or a holder of a supplier's license under this article:

- (1) shall pay the cost of an investigation or reinvestigation of a holder of an occupational license who is employed by the permit holder or holder of a supplier's license; and
- (2) may seek reimbursement of the cost of an investigation or reinvestigation from an employee who holds an occupational license.

Sec. 3. Except as provided by section 11 of this chapter, the commission may not issue an occupational license to an individual unless the individual:

- (1) is at least eighteen (18) years of age;
- (2) has not been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States;
- (3) has demonstrated a level of skill or knowledge that the commission determines is necessary to operate gambling games at racetracks; and
- (4) has met standards adopted by the commission for the holding of an occupational license.

Sec. 4. The commission shall adopt rules under IC 4-22-2 providing the following:

- (1) That an individual applying for an occupational license to manage gambling games at racetracks under this article is subject to background inquiries and requirements similar to those required for an applicant for a license under IC 4-33-6.
- (2) That each individual applying for an occupational license may manage gambling games for only one (1) licensee.

Sec. 5. (a) An application for an occupational license must:

- (1) be made on forms prescribed by the commission; and
- (2) contain all information required by the commission.

(b) An applicant for an occupational license must provide the following information in the application:

- (1) If the applicant has held other licenses relating to gambling.
- (2) If the applicant has been licensed in any other state under any other name. The applicant must provide under this subdivision the name under which the applicant was licensed in the other state.
- (3) The applicant's age.
- (4) If a permit or license issued to the applicant in another state has been suspended, restricted, or revoked. The applicant must describe the date and length of a suspension, restriction, or revocation described in this subdivision.

Sec. 6. An applicant for an occupational license must submit with the application two (2) sets of the applicant's fingerprints. The applicant must submit the fingerprints on forms provided by the commission. The commission shall charge each applicant a fee set by the state police department to defray the costs associated with the search and classification of the applicant's fingerprints.

Sec. 7. The commission may refuse to issue an occupational license to an individual who:

- (1) is unqualified to perform the duties required of the applicant;
- (2) does not disclose or states falsely any information required by the application;
- (3) has been found guilty of a violation of this article;
- (4) has had a gambling related license or an application for a gambling related license suspended, restricted, revoked, or denied for just cause in another state; or
- (5) for just cause is considered by the commission to be unfit to hold an occupational license.

Sec. 8. The commission may suspend, revoke, or restrict an occupational licensee for the following reasons:

- (1) A violation of this article.
- (2) A cause that if known to the commission would have disqualified the applicant from receiving the occupational license.
- (3) A default in the payment of an obligation or a debt due to the state.
- (4) Any other just cause.

Sec. 9. (a) This article does not prohibit a permit holder that is issued a license from entering into an agreement with a school approved by the commission for the training of an occupational licensee.

(b) Training offered by a school described in subsection (a) must be:

- (1) in accordance with a written agreement between the licensee and the school; and
- (2) approved by the commission.

Sec. 10. Training provided for occupational licensees may be conducted:

- (1) at a racetrack; or
- (2) at a school with which a licensed owner or an operating agent has entered into an agreement under section 9 of this chapter.

Sec. 11. (a) An individual who is disqualified under section 3(2) of this chapter due to a conviction for a felony may apply to the commission for a waiver of the requirements of section

3(2) of this chapter.

(b) The commission may waive the requirements of section 3(2) of this chapter with respect to an individual applying for an occupational license if:

- (1) the individual qualifies for a waiver under subsection (e) or (f); and
- (2) the commission determines that the individual has demonstrated by clear and convincing evidence the individual's rehabilitation.

(c) In determining whether the individual applying for the occupational license has demonstrated rehabilitation under subsection (b), the commission shall consider the following factors:

- (1) The nature and duties of the position applied for by the individual.
- (2) The nature and seriousness of the offense or conduct.
- (3) The circumstances under which the offense or conduct occurred.
- (4) The date of the offense or conduct.
- (5) The age of the individual when the offense or conduct was committed.
- (6) Whether the offense or conduct was an isolated or a repeated incident.
- (7) A social condition that may have contributed to the offense or conduct.
- (8) Evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational education, successful participation in a correctional work release program, or the recommendation of a person who has or has had the individual under the person's supervision.
- (9) The complete criminal record of the individual.
- (10) The prospective employer's written statement that:
 - (A) the employer has been advised of all of the facts and circumstances of the individual's criminal record; and
 - (B) after having considered the facts and circumstances, the prospective employer will hire the individual if the commission grants a waiver of the requirements of section 3(2) of this chapter.

(d) The commission may not waive the requirements of section 3(2) of this chapter for an individual who has been convicted of committing any of the following:

- (1) A felony in violation of federal law (as classified in 18 U.S.C. 3559).
- (2) A felony of fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction.
- (3) A felony of conspiracy to commit a felony described in subdivision (1), (2), or (4) under the laws of Indiana or any other jurisdiction.
- (4) A felony of gambling under IC 35-45-5 or IC 35-45-6 or a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 35-45-5 or IC 35-45-6.

(e) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

- (1) the individual has been convicted of committing:

(A) a felony described in IC 35-42 against another human being or a felony described in IC 35-48-4;

(B) a felony under Indiana law that results in bodily injury, serious bodily injury, or death to another human being; or

(C) a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a felony described in clause (A) or (B); and

(2) ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(f) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted in Indiana or any other jurisdiction of committing a felony not described in subsection (d) or (e); and

(2) five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(g) To enable a prospective employer to determine, for purposes of subsection (c)(10), whether the prospective employer has been advised of all of the facts and circumstances of the individual's criminal record, the commission shall notify the prospective employer of all information that the commission:

(1) has obtained concerning the individual; and

(2) is authorized to release under IC 5-14.

(h) The commission shall deny the individual's request to waive the requirements of section 3(2) of this chapter if the individual fails to disclose to both the commission and the prospective employer all information relevant to this section."

Page 37, line 24, after "11." insert "(a)".

Page 37, between lines 26 and 27, begin a new paragraph and insert:

"(b) A slot machine authorized under this article may serve only one (1) person at a particular time."

Page 37, line 29, delete "beginning after June 30, 2009,".

Page 37, line 30, after "to" insert "the gaming integrity fund,".

Page 37, line 31, after "purses" insert ", and to horsemen's associations".

Page 37, line 33, after "The" insert "Indiana horse racing".

Page 37, line 35, after "purpose of the" insert "Indiana horse racing".

Page 37, line 36, after "A" insert "licensee shall pay the first two hundred fifty thousand dollars (\$250,000) distributed under this section in a state fiscal year to the commission for deposit in the gaming integrity fund established by IC 4-35-8.7-3. After this money has been distributed to the commission, a".

Page 37, line 37, after "the" insert "remaining".

Page 37, line 37, after "purses" insert "and to horsemen's associations".

Page 38, line 11, after "association." insert "Expenditures under this subsection are subject to the regulatory requirements of subsection (f).".

Page 38, after line 42, begin a new line blocked left and insert: "Expenditures under this subsection are subject to the regulatory requirements of subsection (f).".

Page 39, delete lines 9 through 12, begin a new paragraph and insert:

"(f) Money distributed under this section may not be expended unless the expenditure is for a purpose authorized in this section and is either for a purpose promoting the equine industry or equine welfare or is for a benevolent purpose that is in the best interests of horse racing in Indiana. The Indiana horse racing commission may review any expenditure of money distributed under this section to ensure that the requirements of this section are satisfied. The Indiana horse racing commission shall adopt rules concerning the review and oversight of money distributed under this section and shall adopt rules concerning the enforcement of this section. The following apply to a horsemen's association receiving a distribution of money under this section:

(1) The horsemen's association must annually file a report with the Indiana horse racing commission concerning the use of the money by the horsemen's association. The report must include information as required by the commission.

(2) The horsemen's association must register with the Indiana horse racing commission.

(3) The members of the horsemen's association must be licensed by the Indiana horse racing commission."

Page 39, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 13. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) As used in this section, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

(3) A candidate for a local office.

(c) As used in this section, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

(d) Money distributed under section 12 of this chapter may not be used for any of the following purposes:

(1) To make a contribution to a candidate or a committee.

(2) For lobbying (as defined in IC 2-7-1-9)."

Page 39, line 29, delete "Sec. 13." and insert "Sec. 14.".

Page 40, delete lines 23 through 42, begin a new paragraph and insert:

"Sec. 3. Before the fifteenth day of each month, the treasurer of state shall distribute the tax revenue deposited in the state racetrack gaming fund in the preceding month to the state general fund."

Page 41, delete lines 1 through 9.

Page 42, line 15, delete "five hundred thousand dollars (\$500,000)" and insert "two hundred fifty thousand dollars

(\$250,000)".

Page 42, line 21, after "chapter" delete "." and insert "**and money distributed to the fund under IC 4-35-7-12.**".

Page 42, between lines 39 and 40, begin a new paragraph and insert:

"Chapter 8.8. Problem Gambling Fees

Sec. 1. As used in this chapter, "division" refers to the division of mental health and addiction.

Sec. 2. A licensee that offers slot machine wagering at racetracks under this article shall annually pay to the division a problem gambling fee equal to five hundred thousand dollars (\$500,000) for each racetrack at which the licensee offers slot machine wagering.

Sec. 3. The division may use problem gambling fees paid to the division under this chapter only for the prevention and treatment of compulsive gambling that is related to slot machine wagering and other gambling allowed under IC 4-33.

Sec. 4. The problem gambling fees used by the division under this chapter for the prevention and treatment of compulsive gambling are in addition to any admissions tax revenue allocated by the division under IC 4-33-12-6 for the prevention and treatment of compulsive gambling."

Page 47, line 25, delete "as nearly as possible".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1835 as printed March 22, 2007.)

JACKMAN

Motion prevailed.

SENATE MOTION
(Amendment 1835-7)

Madam President: I move that Engrossed House Bill 1835 be amended to read as follows:

Page 32, line 5, delete "the first one hundred million".

Page 32, line 6, delete "dollars (\$100,000,000) of".

Page 32, line 7, delete "property tax replacement" and insert "**state general**".

Page 32, line 7, delete "After one".

Page 32, delete lines 8 through 33.

Page 48, delete lines 24 through 42.

Delete pages 49 through 51.

Page 52, delete lines 1 through 19.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1835 as printed March 22, 2007.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 1835-5)

Madam President: I move that Engrossed House Bill 1835 be amended to read as follows:

Page 11, line 7, after "license" insert "**under subdivision (a)(5) of this section**".

(Reference is to EHB1835 as printed March 22, 2007.)

ROGERS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1546

Senator Wyss called up Engrossed House Bill 1546 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1306

Senator M. Young called up Engrossed House Bill 1306 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 296: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1358

Senator Nugent called up Engrossed House Bill 1358 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 297: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1387

Senator Lanane called up Engrossed House Bill 1387 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 298: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1424

Senator Ford called up Engrossed House Bill 1424 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 299: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1434

Senator Landske called up Engrossed House Bill 1434 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 300: yeas 46, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1457

Senator Lawson called up Engrossed House Bill 1457 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 301: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1555

Senator Bray called up Engrossed House Bill 1555 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 302: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1595

Senator Heinold called up Engrossed House Bill 1595 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 303: yeas 48, nays 0. The bill was declared passed. The

question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1731

Senator Lanane called up Engrossed House Bill 1731 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 304: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1762

Senator Jackman called up Engrossed House Bill 1762 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 305: yeas 45, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

The President of the Senate yielded the gavel to Senator Long.

Engrossed House Bill 1051

Senator Wyss called up Engrossed House Bill 1051 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 306: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 26, 2007, signed Senate Enrolled Acts 96, 108, 150, 163, 166, and 185.

DAVID C. LONG
President Pro Tempore

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 416 and that a conference committee be appointed to confer with a like committee of the House.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 128 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as second sponsor of Engrossed House Bill 1387.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lubbers and Kenley be added as cosponsors of House Concurrent Resolution 45.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as cosponsor of Engrossed House Bill 1595.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as cosponsor of Engrossed House Bill 1306.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as second sponsor of Engrossed House Bill 1018.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as third sponsor of Engrossed House Bill 1278.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as cosponsor of Engrossed House Bill 1722.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mishler be added as cosponsor of Engrossed House Bill 1324.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Miller, Lawson, Landske, and Arnold be added as cosponsors of Engrossed House Bill 1306.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as cosponsor of Engrossed House Bill 1387.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, March 27, 2007.

LAWSON

Motion prevailed.

The Senate adjourned at 5:04 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate